

ZONING BYLAW FOR THE TOWN OF NORFOLK, MASSACHUSETTS
Section D. USE REGULATIONS

D. USE REGULATIONS

D.1. Basic Requirements

D.1.a. Land clearing, excavation, filling, gravel removal, or clear cutting of trees in anticipation of any use permitted or authorized by these Zoning Bylaws, Town Bylaws, and regulations of the Town of Norfolk and the Planning Board, or laws of the Commonwealth is prohibited prior to issuance of all required approvals, permits, VARIANCES, licenses, and authorizations. Very limited clearing and excavation is permitted to obtain necessary survey and engineering data or other activities required to secure necessary permits.

No BUILDING, STRUCTURE, or land shall be used for any purpose or in any manner other than is permitted as set forth in the Schedule of Use Regulations, Section D.2 of the bylaw, and in accordance with the following notations:

- Yes - Use Permitted
- SP - Use Allowed as an Exception under Special Permit by the PERMIT GRANTING AUTHORITY
- No - Use Prohibited.

No BUILDING or STRUCTURE shall be constructed, and no BUILDING, STRUCTURE, or land shall be used in whole or in part, for any purpose other than for one or more of the uses hereinafter set forth as permitted in the district in which said BUILDING, STRUCTURE, or land is located, or set forth as permissible by Special Permit in said district, and so authorized, nor shall any BUILDING or STRUCTURE be constructed or used on a LOT lying only partly in the Town of Norfolk unless the Norfolk portion of the LOT shall meet all the zoning requirements hereinafter set forth, and the LOT shall have effective, actual access to the Town of Norfolk.

D.1.b. Any use not specifically enumerated in a district herein shall be deemed prohibited.

D.1.c. The use regulations of this bylaw shall not prohibit or limit use of land or STRUCTURES for:

- i. religious or education purposes on land owned or leased by:
 - a. the Commonwealth;
 - b. agencies or subdivisions of the Commonwealth or bodies politic;
 - c. religious sects or denominations;
 - d. non-profit educational corporations;
- ii. agriculture, horticulture or floriculture on parcels of more than five (5) acres nor regulate the reconstruction or expansion of STRUCTURES used for agriculture;

to an extent beyond that allowed by G.L. C. 40A, Section 3 as the same may be from time to time amended.

D.1.d. Permitted uses and uses allowed by the PERMIT GRANTING AUTHORITY shall be in conformity with all dimensional requirements, off-STREET parking requirements, and any other pertinent requirements of this bylaw.

D.1.e. Buffer/Green Belt/Landscaping Requirements in Non-Residential Districts.

ZONING BYLAW FOR THE TOWN OF NORFOLK, MASSACHUSETTS
Section D. USE REGULATIONS

D.1.e.1. All outdoor facilities for the storage of fuel, refuse, materials and/or equipment shall be enclosed by a fence of solid and uniform appearance not less than six feet in height or a tight and well maintained evergreen hedge which shall attain a height of not less than six feet, in order to conceal such uses from adjoining properties. Such facilities shall be located to the side and/or rear of the BUILDING to which it is accessory, and the enclosure shall not exceed 1,000 square feet in area except by Special Permit from the Planning Board.

D.1.e.2. In the B2-B4 Districts, no BUILDING or STRUCTURE shall be located less than 50 feet from a Residential District. In the C2, C3 and C5 Districts, no BUILDING or STRUCTURE shall be located less than 150 feet from a Residential District. In the B2-B4, C2, C3, and C5 Districts, no use (including PARKING AREAS, driveways, vehicle circulation areas or other vehicle access ways) shall be located less than 50 feet from a Residential District.

D.1.e.3. In the B2-B4 Districts, a green belt shall be provided on any LOT that abuts a Residential District should any use on said LOT (including any BUILDINGS, STRUCTURES, driveways, PARKING AREAS, vehicle circulation areas or other vehicle access ways) be located less than 100 feet from the Residential District. In the C2, C3 and C5 Districts, a green belt shall be provided on any LOT that abuts a Residential District. Such green belt shall:

D.1.e.3.a. Be located on the non-residential LOT along the shared property line.

D.1.e.3.b. Have a minimum depth from the shared property line of 30 feet.

D.1.e.3.c. Be used for no purpose other than planting and/or sidewalks.

D.1.e.3.d. Constitute a screen of evergreen trees and/or shrubs not more than 15 feet apart planted in two or more staggered rows. The distance between each row shall not be more than 10 feet. Plants shall be no less than 6 feet in height at the time of planting and shall be continuously maintained.

In those circumstances where an effective screen of existing plantings already provides an appropriate buffer, the Planning Board has the discretion, during the Site Plan Approval process, to waive strict compliance with Section D.1.e.3., provided that the intent of Section D.1.e.3. is met. If such a waiver is granted, the Planning Board shall, in its Site Plan Approval, require that the green belt be maintained and replanted where necessary to provide an effective screen throughout the life of the site and the STRUCTURE.

D.1.e.4. Landscaping Requirements: For each foot of FRONTAGE the LOT shall contain 40 square feet of landscaping. This requirement shall not be conditioned to require landscaping of more than 20% of the LOT.

ZONING BYLAW FOR THE TOWN OF NORFOLK, MASSACHUSETTS
Section D. USE REGULATIONS

D.2. SCHEDULE OF USE REGULATIONS

| | DISTRICTS | | | | | | |
|--|-----------|------|-------|-------|----------|--------|-------|
| | R | B1 * | B2-B4 | C1 ** | C2/C3/C5 | C4 *** | C6 ** |
| D.2.a. Public and Semi-Public Uses | | | | | | | |
| D.2.a.1. Religious | Yes | | Yes | | Yes | | |
| D.2.a.2. Municipal, County, State or Federal | SP | | Yes | | Yes | | |
| D.2.a.3. Public Educational | Yes | | Yes | | Yes | | |
| D.2.a.4. Cemetery | SP | | SP | | SP | | |
| D.2.a.5. Private club not conducted for profit | SP | | Yes | | SP | | |
| D.2.a.6. Non-profit general acute care hospital including facilities for the evaluation and treatment of acutely ill alcoholic or drug dependent patients and for persons suffering from mental illness who do not appear to be dangerous to others at the time of admission in the opinion of the attending physician | No | | SP | | No | | |
| D.2.a.7. Other hospitals, convalescent home, sanitarium, camp | No | | SP | | No | | |
| D.2.a.8. Day care nursery | SP | | SP | | SP | | |
| D.2.a.9. NURSING HOME, HOSPICE, RESPITE FACILITY, life care center, PHYSICAL THERAPY AND REHABILITATION FACILITY, HEALTH CARE, SPORTS MEDICINE FACILITY, ASSISTED LIVING | No | | No | | No | | |
| D.2.a.10. Facility for the evaluation, treatment and counseling of persons suffering from alcoholism, drug dependence or mental illness who do not require general hospital admission | No | | No | | No | | |
| D.2.a.11. Schools of nursing, laboratory technician skills, physiotherapy with dormitory facilities ancillary thereto | No | | No | | No | | |
| D.2.a.12. Office or meeting room of a non-profit service organization | No | | Yes | | No | | |
| D.2.a.13. Senior Center | Yes | | Yes | | Yes | | |
| D.2.b. Transportation and Utility Uses | | | | | | | |
| D.2.b.1. Telephone exchanges, transformer station, transmission lines, substation, pumping station, or other public utility | SP | | SP | | SP | | |
| D.2.b.2. Bus station, railway station | No | | Yes | | Yes | | |
| D.2.b.3. Aviation field | No | | No | | No | | |
| D.2.b.4. Power generating plant generating more than 1500 kilowatts of electricity | No | | No | | No | | |
| D.2.b.5. WIRELESS COMMUNICATIONS FACILITY limited to Wireless Communications Overlay Districts 1 and 3 and as provided in Section F.13. | SP | | SP | | No | | |

* See Section I *** See Section K
** See Section J **** See Section L

ZONING BYLAW FOR THE TOWN OF NORFOLK, MASSACHUSETTS
Section D. USE REGULATIONS

D.2. SCHEDULE OF USE REGULATIONS (Continued)

| | DISTRICTS | | | | | | |
|---|-----------|------|-----------|----------|------------------|-----------|----------------|
| | R | B1 * | B2- B4 | C1 ** | C2/ C3/ C5 | C4 *** | C6 ** ** |
| D.2.c. Residential Uses | | | | | | | |
| D.2.c.1. SINGLE FAMILY DWELLING | Yes | | SP | | No | | |
| D.2.c.2. Conversion of a SINGLE FAMILY DWELLING In existence at the time of bylaw adoption, to a two FAMILY DWELLING | SP | | SP | | No | | |
| D.2.c.3. HOME OCCUPATION | Yes | | Yes | | Yes | | |
| D.2.c.4. The use of a portion of a DWELLING or a BUILDING accessory thereto by a resident builder, carpenter, painter, plumber, or other artisan, or by a resident tree surgeon or landscape gardener for incidental work and storage in connection with his off-premises occupation. Subject to the same conditions and limitations as are specified above for HOME OCCUPATIONS. | Yes | | Yes | | No | | |
| D.2.c.5. Renting of rooms to not more than 4 persons and furnishing of table board to not more than 5 persons | Yes | | Yes | | No | | |
| D.2.c.6. Use of trailers, buses and mobile homes for residence in excess of 30 days | No | | No | | No | | |
| D.2.c.7. Foundation or cellar hole for residence | No | | No | | No | | |
| D.2.c.8. DAYCARE, FAMILY HOME | Yes | | Yes | | Yes | | |
| D.2.d. Agricultural Uses | | | | | | | |
| D.2.d.1. AGRICULTURAL, GREENHOUSE or nursery | Yes | | Yes | | Yes | | |
| D.3.d.2. ROADSIDE STAND selling produce the majority of which is raised on the premises | Yes | | Yes | | Yes | | |
| D.3.d.3. Poultry or stock raising except that the number of swine shall be limited to not more than 5 | Yes | | No | | No | | |
| D.2.d.4. Noncommercial riding stable | Yes | | Yes | | No | | |
| D.2.d.5. Kennel (4 or more dogs) | SP | | SP | | No | | |
| D.2.d.6. Animal hospital | No | | SP | | No | | |
| D.2.e. Commercial Uses | | | | | | | |
| D.2.e.1. RESTAURANT | No | | Yes | | SP | | |
| D.2.e.2. RESTAURANT, FAST FOOD | No | | No | | No | | |
| D.2.e.3. RESTAURANT, TAKE OUT | No | | No | | No | | |
| D.2.e.4. Licensed INN | No | | Yes | | SP | | |

* See Section I *** See Section K ** See Section J **** See Section L

ZONING BYLAW FOR THE TOWN OF NORFOLK, MASSACHUSETTS
Section D. USE REGULATIONS

D.2. SCHEDULE OF USE REGULATIONS (continued)

| | DISTRICTS | | | | | | |
|--|-----------|------|-----------|-------|----------|--------|-------|
| | R | B1 * | B2-B4 | C1 ** | C2/C3/C5 | C4 *** | C6 ** |
| D.2.e.5. HOTEL or lodging house | No | | Yes | | No | | |
| D.2.e.6. Filling station or garage | No | | SP | | SP | | |
| D.2.e.7. Newspaper or JOB PRINTING | No | | Yes | | SP | | |
| D.2.e.8. Retail store | No | | Yes | | SP | | |
| D.2.e.9. Wholesale Store | No | | SP | | SP | | |
| D.2.e.10. Garaging of more than one commercial vehicles | No | | Yes | | SP | | |
| D.2.e.11. Garaging of more than three commercial vehicles | No | | SP | | SP | | |
| D.2.e.12. Parking of house trailers or MOBILE HOMES nearer the STREET than the main HOUSE | No | | SP | | SP | | |
| D.2.e.13. Professional Office where patients or clients are seen by appointment, such as the office of a physician, psychiatrist, physiotherapist, speech therapist, or other licensed health professionals occupied by practitioners not resident on the premises | No | | Yes | | SP | | |
| D.2.e.14. General office where clients or customers are seen, met or dealt with or without appointment; business offices existing other than as ancillary to a permitted use; banks | No | | Yes | | SP | | |
| D.2.e.15. Truck terminal or motor freight station | No | | No | | No | | |
| D.2.e.16. SHOPPING MALL where the ground area covered by the BUILDINGS exceeds fifteen thousand (15,000) sq. ft. | No | | SP | | SP | | |
| D.2.e.17. Hazardous waste treatment facility | No | | No | | No | | |
| D.2.e.18. Indoor and Outdoor Recreation Facilities operated as a business for gain and limited to swimming pools and athletic courts | No | | SP | | SP | | |
| D.2.e.19. Exercise/aerobics studio | No | | Yes | | SP | | |
| D.2.e.21. Any of the following service establishments dealing directly with the consumer: Beauty salon, barber shop, COLLECTION CENTER FOR DRY CLEANING AND POWER LAUNDRY, dressmaker or tailor, shoe repair shop, clothing rental establishment, household appliance repair, typewriter or computer repair shop | No No | | Yes No | | No No | | |
| D.2.e.22. DRY CLEANING OR POWER LAUNDRY | No | | No | | No | | |
| D.2.e.23. CHILD CARE FACILITY | Yes | | Yes | | Yes | | |
| D.2.e.24. ADULT BUSINESS | No | | No | | No | | |

* See Section I *** See Section K
** See Section J **** See Section L

ZONING BYLAW FOR THE TOWN OF NORFOLK, MASSACHUSETTS
Section D. USE REGULATIONS

D.2. SCHEDULE OF USE REGULATIONS (Continued)

| | DISTRICTS | | | | | | |
|---|-----------|------|-------|-------|----------|--------|-------|
| | R | B1 * | B2-B4 | C1 ** | C2/C3/C5 | C4 *** | C6 ** |
| D.2.e.25. LIMITED USED MOTOR VEHICLE SALES | No | | Yes | | Yes | | |
| D.2.f. Manufacturing Uses | | | | | | | |
| D.2.f.1. MANUFACTURING | No | | No | | Yes | | |
| D.2.g. Miscellaneous Uses | | | | | | | |
| D.2.g.1. Off-STREET parking of vehicles as provided for in Section F.7. | Yes | | Yes | | Yes | | |
| D.2.g.2. SIGNS as provided for in Section F | Yes | | Yes | | Yes | | |
| D.2.g.3. Golf course (excluding miniature golf) | SP | | SP | | SP | | |
| D.2.g.4. DRIVE UP WINDOW | No | | SP | | SP | | |
| D.2.g.5. SCOREBOARD | | | | | | | |

*See Section I ***See Section K
 See Section J **See Section L

D.3. WATERSHED PROTECTION DISTRICT

The Watershed Protection District is an overlay district and shall be superimposed on the other districts established by this bylaw

D.3.a. Purpose of District

A Watershed Protection District is established in the Town of Norfolk for the following purposes:

- D.3.a.1. To preserve and protect the lakes, ponds, streams, brooks, rills, marshes, swamps, bogs, and other water bodies and water courses in the Town;
- D.3.a.2. To protect, preserve, and maintain the water table and water recharge areas within the Town, so as to preserve present and potential sources of water supply for the public health and safety;
- D.3.a.3. To protect the community from the detrimental use and development of land and waters within the watershed protection district; and
- D.3.a.4. To conserve the watershed areas of the Town of Norfolk for the health, safety, welfare, and enjoyment of its people.

D.3.b. Establishment and Definition of District

D.3.b.1. The intent of the Watershed Protection District is to include lands lying adjacent to water courses and surface water bodies which create the catchment or drainage areas of such water courses and bodies, as part of their natural drainage system. The Watershed Protection District includes all streams, brooks, rivers, ponds, lakes, named or unnamed, and other bodies of water shown on the plan entitled "Norfolk, Massachusetts, Planimetric Survey", dated 1964, prepared by New England

ZONING BYLAW FOR THE TOWN OF NORFOLK, MASSACHUSETTS
Section D. USE REGULATIONS

Survey Services, Inc., Civil & Consulting Engineers, Boston, Mass (scale 1" = 2000') prepared under the direction of the Board of Assessors and used as a base plan for the assessors maps revised through the fiscal year 2002 and kept on file with the Norfolk Board of Assessors. These maps, which are on file in the offices of the Town Clerk and Board of Assessors establish and depict this overlay district and includes all land lying within a horizontal distance of 25 feet from the mean annual high water line and from adjacent low, marshy areas of all brooks, streams, rivers, lakes, ponds, marshes, swamps and bogs.

All uses, dimensional requirements and other provisions of the Norfolk Zoning Bylaws applicable to the underlying districts shall remain in full force and effect, except that where the Watershed Protection Overlay District imposes greater or additional restrictions and requirements, such restrictions or requirements shall prevail.

D.3.c. Permitted Uses

D.3.c.1. The following uses are permitted within the Watershed Protection District subject to any applicable reviews pursuant to the Massachusetts Wetland Protection Act, 310 CMR 10.00 and the Town of Norfolk Wetland Protection Bylaw and Regulations:

D.3.c.1.a. Conservation of soils, water, plants, and wildlife;

D.3.c.1.b. Outdoor passive recreation, nature study, boating, fishing, and hunting where otherwise legally permitted;

D.3.c.1.c. Boat docks, landings, footbridges, bicycle footpaths and/or horse paths and crossings/boardwalks, or other pedestrian access structures;

D.3.c.1.d. Proper operation and maintenance of existing dams, splashboards, and other water control, supply and conservation devices;

D.3.c.1.e. Maintenance of residential lawns, vegetation pruning;

D.3.c.1.f. Repair, maintenance, and reconstruction of existing STRUCTURES and uses lawfully existing prior to adoption of the Watershed Protection District Bylaw hereof may be continued as permitted under the Zoning Act. Existing DWELLINGS may be expanded by special permit by the Zoning Board of Appeals provided ground coverage within the overlay district is not increased more than 25% of the original structure coverage within the overlay district, and such expansion does not violate the requirements of the underlying zoning district;

D.3.c.1.g. Farming, gardening, nursery, conservation, forestry, harvesting, and grazing, or drainage improvements for AGRICULTURAL uses.

D.3.d. Prohibited Uses

D.3.d.1. The following uses are prohibited within the Watershed Protection District:

D.3.d.1.a. The location of landfills and the storage of salt and road de-icing chemicals;

D.3.d.1.b. Any BUILDING, STRUCTURE, land-disturbing activities, or excavation within 25 feet from the mean annual high water line of all water bodies and courses within the Watershed Protection District except for those uses expressly provided for in Section D.3.c. and D.3.e.; excavation to create a ponding area, drainage ditches;

ZONING BYLAW FOR THE TOWN OF NORFOLK, MASSACHUSETTS
Section D. USE REGULATIONS

any change in watercourses intended for swimming, fishing or other recreational, or non-AGRICULTURAL uses;

D.3.d.1.c. [This Section reserved for future amendment.]

D.3.d.1.d. The disposal of solid waste, animal manure, commercial fertilizers, liquid petroleum products or solid byproducts of petroleum;

D.3.d.1.e. The storage and/or sale of petroleum (or any other refined petroleum product) except within the BUILDINGS which it will heat;

D.3.d.1.f. The dumping of snow contaminated by de-icing chemicals which is brought in from outside the district;

D.3.d.1.g. The storage or disposal of hazardous materials, as defined by the Hazardous Waste Regulations promulgated by the Hazardous Waste Board, the Water Resources Commission, and the Division of Water Pollution Control under the provisions of Section 27(3), 52, 57, 58 of Chapter 21 of the General Laws.

D.3.e. Special Permit Uses

D.3.e.1. After an Order of Conditions or a Determination of Non-Applicability is issued by the Norfolk Conservation Commission, the Zoning Board of Appeals, may issue a special permit to allow the following uses in accordance with Section D.3.f, and subject to any additional conditions the Zoning Board of Appeals may impose;

D.3.e.1.a. Any commercial, industrial activities or uses, and residential infrastructures, including driveways, wetland crossings, and drainage infrastructures;

D.3.e.1.b. The construction of dams, weirs, culverts, wetland roadway crossings/bridges/spans/ or any water control devices, including the temporary alteration of the water level for maintenance purposes and periodic cleaning;

D.3.e.1.c. Relocation of watercourses for projects under the direction of a Massachusetts Contingency Plan (MCP) and with notification of the relocation of the watercourse made to the NFIP State Coordinator, Massachusetts Office of Water Resources, the NFIP Program Specialist, FEMA Region 1, and adjacent communities if the watercourse lies within the watershed of those communities;

D.3.e.1.d. See General Laws Chapter 132B, Section 1 (Massachusetts Pesticident Control Act) and any and all amendments thereto.

[Section D.3.e.1.e. has been deleted.]

D.3.e.1.f. Residential construction of dwellings and appurtenant structures;

D.3.e.1.g. The excavation of gravel, sand, loam, or other earth material or the filling, dumping or transferring of any earth material within the District;

D.3.e.1.h. Any use that is neither expressly allowed under Section D.3.c. nor expressly prohibited under Section D.3.d, if allowed in the underlying zoning district.

D.3.f. Procedures for Issuance of Special Permit

D.3.f.1. Each application for a Special Permit shall be filed with the Zoning Board of Appeals and shall be accompanied by the proper number of plans.

ZONING BYLAW FOR THE TOWN OF NORFOLK, MASSACHUSETTS
Section D. USE REGULATIONS

D.3.f.2. Said application and a plan shall be prepared in accordance with the data requirements of the proposed development (e.g. site plan review, erosion, sedimentation control plan, etc.).

D.3.f.3. The Zoning Board of Appeals shall refer copies of the application to the Board of Health, the Conservation Commission, the Highway Department, Board of Water Commissioners, and the Planning Board. These boards/departments shall review, either jointly or separately, the application and shall submit their recommendations. Failure to make recommendations within 35 days of referral of the application shall be deemed lack of opposition.

D.3.f.4. The Zoning Board of Appeals shall hold a hearing, in conformity with the provisions of G.L. Chapter 40A, Section 9 within 65 days after the proper filing of the application and after the review of the aforementioned town boards/departments.

The Zoning Board of Appeals shall follow the procedural requirements of Chapter 40A regarding notice, decision, etc.

D.3.f.5. After notice and public hearing, and after due consideration of the reports and recommendations of the Planning Board, the Board of Health, the Conservation Commission, Board of Water Commissioners, and Highway Superintendent; the Zoning Board of Appeals may grant such a special permit provided that it finds that the proposed use:

D.3.f.5.a. Is in harmony with the purpose and intent of this bylaw and will promote the purpose of the Watershed Protection District;

D.3.f.5.b. Is appropriate to the natural topography, soils, and other characteristics of the site to be developed;

D.3.f.5.c. Will not, during construction or thereafter, have an adverse environmental impact on any water body or course in the district; and

D.3.f.5.d. Will not adversely affect an existing or potential water supply.

D.3.g. Limit of Authority

This District does not limit the existing authority of the Conservation Commission pursuant to Section 40 of Chapter 131 of the General Laws.

D.3.h. Development Regulations

All construction and land disturbing activities within the Watershed Protection District shall be designed or sited to minimize erosion and runoff by minimizing the construction period, slope stabilization, ditch maintenance, filtering, sedimentation basins, and re-vegetation.

D.4. AQUIFER AND WATER SUPPLY AND INTERIM WELLHEAD PROTECTION DISTRICTS

D.4.a. Purpose of Districts

This bylaw is established for the following purposes:

D.4.a.1. To protect the public health, safety and welfare of the residents, institutions, and businesses of the Town of Norfolk, Massachusetts from contamination of existing and future public groundwater and surface water resources.

D.4.a.2. To protect, preserve and maintain the aquifers and recharge areas of existing and potential groundwater supplies within the Town as sources of public water.

ZONING BYLAW FOR THE TOWN OF NORFOLK, MASSACHUSETTS
Section D. USE REGULATIONS

D.4.a.3. To conserve the natural resources of the Town.

D.4.a.4. To prevent temporary and permanent contamination of the environment.

D.4.a.5. To comply with Federal and State laws including, but not limited to the Federal Water Pollution Control Act, Safe Drinking Water Act Amendments and the Massachusetts Source Approval Regulations.

D.4.b. Scope of Authority

The Water Supply Protection Districts are an overlay district and shall be superimposed on the other districts established by this Bylaw. All regulations of the Town of Norfolk Zoning Bylaw applicable to such underlying districts shall remain in effect, except that where the Water Supply Protection District imposes additional regulations, such regulations shall prevail.

D.4.c. Definitions

D.4.c.1. Aquifer: A geologic formation composed of rock or saturated material that contains significant amounts of potentially recoverable water.

D.4.c.2. Aquifer Recharge Area, Primary: Areas which are underlain by surficial geologic deposits including glaciofluvial or lacustrine stratified drift deposits or alluvium or swamp deposits, and in which the prevailing direction or groundwater flow is toward the area of influence of water supply wells.

D.4.c.3. Aquifer Recharge Area, Secondary: Areas which are underlain by surficial geologic deposits including till or bedrock, and in which the prevailing direction of surface water flow is toward public water supply wells or potential sites for such wells.

D.4.c.4. Governing Water Protection District: The person or persons responsible for the daily operation and maintenance of the town water supplies, being under the jurisdiction of the Norfolk Water Department.

D.4.c.5. Groundwater: All water found beneath the surface of the ground, including, without limitation, the slowly moving subsurface water present in aquifers and recharge areas.

D.4.c.6. Hazardous Wastes: A waste, or combination of wastes, which because of its quantity, or concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in serious, or incapacitating illness or pose a substantial present or potential hazard to human health, safety, or welfare of to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed. These wastes shall include, but not be limited to, any wastes which fall within the definitions of hazardous waste under the Hazardous Waste Regulations, promulgated by the Hazardous Waste Board, the Water Resources Commission, and the Division of Water Pollution Control under the provisions of Section 27(8), 52, 57, and 58 of Chapter 21 of the General Laws.

D.4.c.7. Impervious Surface: Natural or manmade materials or STRUCTURES on, above, or below the ground which do not allow surface water or precipitation to infiltrate the underlying soil.

D.4.c.8. Interim Wellhead Protection Area: A one-half mile radius of a public supply well in the absence of a defined Zone II.

D.4.c.9. Mining of Land: The removal or relocation of geological materials, such as topsoil, sand and gravel, metallic ores, or bedrock.

ZONING BYLAW FOR THE TOWN OF NORFOLK, MASSACHUSETTS
Section D. USE REGULATIONS

D.4.c.10. Outdoor Storage: Any storage which is not in a STRUCTURE with roof, floor and at least three sides, all of impervious material.

D.4.c.11. Process Wastewater: Non-domestic, non-toxic, non-hazardous liquid waste associated with the manufacture or preparation of a product, including but not limited to, hardware, dry goods, food stuffs, and printed materials.

D.4.c.11. Public Well: A well providing potable water to at least 15 service connections or serving on a regular basis at least 25 people.

D.4.c.12. Recharge: The process by which water is added to the saturated zone of any aquifer either by direct infiltration of precipitation or by indirect inputs from surface sources or from adjoining subsurface sources and either by reason of natural flow or by reason of pumping from a present or future public well.

D.4.c.13. Recharge Areas: Any area which collects precipitation or surface water and carries it to aquifers. Recharge areas include areas designated in 310 CMR 22.00 as Zone I, Zone II, and Zone III.

D.4.c.14. Saturated Zone: The thickness of permeable soil or bedrock actually saturated with water under normal conditions of temperature and pressure.

D.4.c.15. Solid Waste: For the purposes of this section, solid waste shall mean any unwanted or discarded solid material as defined in 310 CMR 19, with the exception of brush, YARD trimmings and grass clippings.

D.4.c.16. Surface Water: All surface water bodies and wetlands protected under Massachusetts General Laws, Chapter 131, Section 40.

D.4.c.17. Toxic or Hazardous Materials: Any substance or mixture of such physical, chemical, or infectious characteristics as to pose a significant, actual, or potential hazard to water supplies, environmental quality, or to human health, if such substance or mixture were discharged to land or waters of the Town. Toxic or hazardous materials include, without limitation, petroleum products, heavy metals, radioactive materials, pathogenic or infectious wastes, solvents, thinners, and other materials which are listed as toxic, hazardous or a priority pollutant by the United States Environmental Protection Agency under any of the following laws: (1) Toxic Substances Control Act 15 U.S.C. S.2601 et seq.; (2) Federal Insecticide, Fungicide, and Rodenticide Act 7 U.S.C. S. 136 et seq.; (3) Resource Conservation and Recovery Act of 1976 42 U.S.C. S6901 et seq.; (4) Comprehensive Environmental Response, Compensation and Liability Act OF 1980 42 U.S.C. S9601 et seq.; and (5) Federal Water Pollution Control Act 33 U.S.C. S 1251 et seq.

Any substance deemed a "hazardous waste" in Massachusetts General Laws Chapters 21C and 21E, and 310 CMR 30.00 as amended, shall also be deemed a hazardous material for purposes of this bylaw.

D.4.c.18. Trucking Terminal: Business which services or repairs commercial trucks which are not owned by the business.

D.4.c.19. Water Supply: A groundwater aquifer and surface water recharge to a groundwater aquifer, which is a present or potential future drinking water supply source for the Town of Norfolk.

D.4.c.20. Water Supply Protection District: The total area of the well aquifer defined in total as including Zone I, Zone II, and interim wellhead protection area which is intended to be protected under this bylaw.

ZONING BYLAW FOR THE TOWN OF NORFOLK, MASSACHUSETTS
Section D. USE REGULATIONS

D.4.c.21. Zone I: Wellhead Protection Area: - The area within a 400-foot radius of an existing public well as defined in 310 CMR 22.00.

D.4.c.22. Zone II: Primary Recharge Protection Area: - The area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions which can be realistically anticipated (180 days of pumping at safe yield with no recharge from precipitation), as defined in 310 CMR 22.00.

D.4.c.23. Zone III: Aquifer or Secondary Protection Area: - The land area beyond the area of Zone II from which surface water and groundwater drain into Zone II, as defined in 310 CMR 22.00.

D.4.d. Description of Zones

D.4.d.1. Certain Groundwater and Surface Water Protection Zones are hereby established within the Town. These Zones contain aquifers and/or aquifer recharge areas and surface water areas as determined by standard geologic and hydrogeologic investigations which have included observation wells, existing boring data, geophysical techniques, pump tests, water samples and geologic maps. These Zones have been modified in accordance with the provisions of Section D.4.d.3.

D.4.d.2. The boundaries of the Water Supply Protection District are delineated on a map at a scale of 1-inch = 1000 feet. This map, as it may be amended from time to time, is entitled, "Aquifer and Water Resource Protection Map - Town of Norfolk, MA" is dated August 20, 1997, is on file in the office of the Town Clerk, and is hereby made a part of this Bylaw. These boundaries reflect the best hydrologic information available as of the date of the map(s). In the event of a discrepancy between the map and the criteria that follow, the criteria shall govern.

D.4.d.3. The boundaries of the Water Supply Protection District Zones have been adjusted to include wetlands and bodies of surface water surrounded by or adjacent to recharge areas and to follow property lines or street lines or identifiable physical features to facilitate locating them on the ground.

D.4.d.4. The Groundwater and Water Supply Protection Zones shall include interim wellhead protection area, Zone I, and Zone II.

D.4.d.5. Water Supply Protection District Boundary Disputes

D.4.d.5.a. If the location of the Water Supply Protection District Boundary in relation to a particular parcel is in doubt, resolution of boundary disputes shall be through a Special Permit application to the SPECIAL PERMIT GRANTING AUTHORITY (SPGA) as defined in Section D.4.f. - Procedures for Issuance of Special Permit.

D.4.d.5.b. The burden of proof shall be upon the owner(s) of the land in question to show where the bounds should properly be located. At the request of the owner(s), the town may engage a professional engineer (civil or sanitary), hydrologist, geologist, hydrogeologist, or soil scientist to determine more accurately the boundaries of the district with respect to individual parcels of land, and may charge the owner(s) for all or part of the cost of the investigation. The determination of the location and extent of Zone II shall be in conformance with the criteria set forth in 310 CMR 22.00 and in the DEP's Guidelines and Policies for Public Water Systems.

D.4.e. Use Regulation

In no event shall any use be permitted in Zone I, other than the preservation of natural resources, or for the facilities related to the drinking water supplies.

ZONING BYLAW FOR THE TOWN OF NORFOLK, MASSACHUSETTS
Section D. USE REGULATIONS

In the Water Supply Protection District the following regulations shall apply:

D.4.e.1. Permitted Uses

The following uses are permitted within the Water Supply Protection District, provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained:

- D.4.e.1.a. Conservation of soil, water, plants, and wildlife;
- D.4.e.1.b. Outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted;
- D.4.e.1.c. Foot, bicycle and/or horse paths, and bridges;
- D.4.e.1.d. Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;
- D.4.e.1.e. Maintenance, repair, and enlargement of any existing STRUCTURE, subject to Section D.4.e.2. (prohibited uses) and Section D.4.e.3. (uses and activities requiring a special permit);
- D.4.e.1.f. Residential development, including swimming pools and their ancillary structures, subject to Section D.4.e.2;
- D.4.e.1.g. Farming, gardening, nursery, conservation, forestry, harvesting, and grazing, subject to Section D.4.e.2. (prohibited uses) and Section D.4.e.3. (uses and activities requiring a special permit);
- D.4.e.1.h. Construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, and tunnels (see D.4.e.3.g.);
- D.4.e.1.i. Where the premises are partially outside of the Water Supply Protection District, such potential pollution sources as on-site waste disposal systems shall, to the degree feasible, be located outside the District.

D.4.e.2. Prohibited Uses

The following uses are prohibited within the Water Supply Protection District except where they comply with specified regulations:

- D.4.e.2.a. Landfills and open dumps as defined in 310 CMR 19.006 as of November 1, 1992;
- D.4.e.2.b. Storage of liquid petroleum products of any kind, except for the following:
 - D.4.e.2.b.1. Normal household use, outdoor maintenance, and heating of a STRUCTURE;
 - D.4.e.2.b.2. Waste oil retention facilities required by statute, rule or regulation;
 - D.4.e.2.b.3. Emergency generators required by statute, rule or regulation;
 - D.4.e.2.b.4. High application of roadway salt;

ZONING BYLAW FOR THE TOWN OF NORFOLK, MASSACHUSETTS
Section D. USE REGULATIONS

D.4.e.2.b.5. Treatment works approved under 314 CMR 5.00 for treatment of ground or surface waters; provided that storage, listed in Sections D.4.e.2.b.1., D.4.e.2.b.2., and D.4.e.2.b.3. above, is in free-standing containers within BUILDINGS or above ground with secondary containment adequate to contain a spill 150 percent of the container's total storage capacity.

Provided that such storage shall be in free standing, above ground container, within an enclosed STRUCTURE or within the basement of a STRUCTURE, and provided that the storage tank and piping comply with all applicable provisions of 527 CMR 9.00 Massachusetts Board of Fire Prevention regulations.

Replacement of all storage tanks, except those for gasoline, which existed at the time of the adoption of this bylaw shall be installed above ground.

D.4.e.2.c. Landfilling of sludge or septage as defined in 310 CMR 32.05;

D.4.e.2.d. Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;

D.4.e.2.e. Individual sewage disposal systems that are designed in accordance with 310 CMR 15.00 to receive more than 110 gallons of sewage per quarter acre under one ownership per day, or 440 gallons of sewage on any one acre under one ownership per day, whichever is greater, except the replacement or repair of an existing system which will not result in an increase in design capacity above the original design;

D.4.e.2.f. Storage of deicing chemicals unless such storage, including loading areas, is within a STRUCTURE designed to prevent the generation and escape of contaminated runoff or leachate;

D.4.e.2.g. All new permanent animal manure storage areas unless covered and/or contained to prevent the generation and escape of contaminated run-off or leachate.

D.4.e.2.h. Earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material (including mining activities) to within 10 feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for BUILDING foundations, roads, or utility works;

D.4.e.2.i. Facilities that generate, treat, store, or dispose of hazardous waste subject to MGL 21C and 310 CMR 30.00, except the following:

D.4.e.2.i.1. Very small quantity generators as defined under 310 CMR 30.00, which generate less than 20 kilograms or 6 gallons of hazardous waste per month may be allowed by Special Permit in accordance with Section D.4.e.3. of this Bylaw;

D.4.e.2.i.2. Household hazardous waste collection centers and events under 310 CMR 30.390;

D.4.e.2.i.3. Waste oil retention facilities required by MGL c 21, s. 52A;

D.4.e.2.i.4. Water remediation treatment works approved by 314 CMR 5.00;

D.4.e.2.j. Automobile graveyards and junk yards, as defined in MGL c. 140B, s.1.;

D.4.e.2.k. Treatment works which are subject to 314 CMR 5.00 including privately owned sewage treatment facilities, except the following:

ZONING BYLAW FOR THE TOWN OF NORFOLK, MASSACHUSETTS
Section D. USE REGULATIONS

D.4.e.2.k.1. The replacement or repair of an existing treatment works which will not result in a design capacity greater than the design capacity of the existing treatment works;

D.4.e.2.k.2. The replacement of existing subsurface sewage disposal system(s) with wastewater treatment works which will not result in a design capacity greater than the design capacity of the existing system(s);

D.4.e.2.k.3. Treatment works approved by the Massachusetts Department of Environmental Protection designed for the treatment of contaminated groundwater;

D.4.e.2.l. Storage of liquid hazardous materials, as defined in MGL C. 21E, unless in a free standing container within a BUILDING or above ground with secondary containment adequate to contain a spill 150 percent of the container's total storage capacity;

D.4.e.2.m. Industrial and commercial uses, which discharge process wastewater on-site;

D.4.e.2.n. Stockpiling and disposal of snow and ice containing deicing chemicals if brought in from outside the district;

D.4.e.2.o. Storage of commercial fertilizers and soil conditioners, as defined in MGL c. 128, s. 64, unless such storage is within a STRUCTURE designated to prevent the generation and escape of contaminated runoff or leachate;

D.4.e.2.p. Fertilizers, pesticides, herbicides, lawn care chemicals, or other leachable materials unless used in accordance with the Massachusetts Soil Conservation Services and the Lawn Care Regulations of the Massachusetts Pesticide Board, 333 CMR 10.03 (30, 31), as amended, and according to manufacturer's label instructions and all other necessary precautions to minimize adverse impacts on surface and groundwater.

D.4.e.2.q. The use of septic system cleaners which contain toxic or hazardous chemicals.

D.4.e.2.r. Trucking terminals, bus terminals, car washes, motor vehicle gasoline sales, automotive service and repair shops, commercial fuel storage and sales.

D.4.e.3. Uses and Activities Requiring a Special Permit

The following uses and activities are permitted only upon the issuance of a Special Permit by the SPECIAL PERMIT GRANTING AUTHORITY (SPGA) under such conditions as they may require:

D.4.e.3.a. Enlargement or alteration of existing uses which do not conform to the Water Supply Protection District;

D.4.e.3.b. The application of pesticides, including herbicide, insecticides, fungicides, and rodenticide, for non-domestic or non-agricultural uses in accordance with state and federal standards which have a greater adverse impact. The special permit shall be granted if such standards are met. If applicable, the APPLICANT should provide documentation of compliance with a Yearly Operating Plan (YOP) for vegetation management operations under 333 CMR 11.00 or a Department of Food and Agriculture approved Pesticide Management Plan or Integrated Pest Management (IPM) program under 333 CMR 12.00;

D.4.e.3.c. The application of fertilizers for non-domestic or non-agricultural uses which have a greater adverse impact. Such applications shall be made in a manner so as to minimize adverse impacts on groundwater due to nutrient transport, deposition, and sedimentation;

ZONING BYLAW FOR THE TOWN OF NORFOLK, MASSACHUSETTS
Section D. USE REGULATIONS

D.4.e.3.d. Those activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use, permitted in the underlying zoning district (except as prohibited under Section D.4.e.2 - Prohibited Uses). Such activities shall require a special permit to prevent contamination of groundwater;

D.4.e.3.e. The construction of dams or other water control devices, ponds, pools or other changes in water bodies or courses, created for swimming, fishing, or other recreational uses, AGRICULTURAL uses, or drainage improvements. Such activities shall not adversely affect water quality or quantity;

D.4.e.3.f. Any use which will render impervious more than 15% or 2,500 square feet of any LOT, whichever is greater. A system for groundwater recharge must be provided which does not degrade groundwater quality. For non-residential uses, recharge shall be by stormwater infiltration basins or similar system covered with natural vegetation, and dry wells shall be used only where other methods are not feasible. For all non-residential uses, all such basins and wells shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner.

D.4.e.3.g. Underground water storage tanks related to the activities listed in Section D.4.e.1.h. shall apply for a special permit from the SPGA.

D.4.f. Determination of Applicability

D.4.f.1. The submission of all applications and/or uses within the scope of this article such as applications for BUILDING permits, package treatment plants, and septic systems shall be transmitted (within 24 hours) to the Building Commissioner for review for applicability under this bylaw.

D.4.f.2. The Building Commissioner shall review the application and shall make a finding as to applicability within fourteen (14) days of receipt. The Building Commissioner may consult with a Committee to be named the Aquifer Protection Advisory Committee for its input as to the applicability of any and all applications and/or uses.

D.4.f.3. The Aquifer Protection Advisory Committee shall act as an advisor to the Building Commissioner. The Committee membership shall consist of three members. One member or representative thereof shall be each from the Board of Water Commissioners, Conservation Commission, Board of Health and all shall be appointed by the Board of Selectmen for a term of one year.

D.4.f.4. The Aquifer Protection Advisory Committee shall, within ten (10) days of receipt of an inquiry by the Building Commissioner, submit a written recommendation to the Building Commissioner.

D.4.f.5. The Building Commissioner shall review the recommendation of the Aquifer Protection Advisory Committee and shall then render his written decision to the APPLICANT as to the applicability of the bylaw and whether a Special Permit or other action is required.

D.4.f.6. The APPLICANT shall be notified, in writing, as to the applicability of the Aquifer Protection Bylaw applies and shall proceed accordingly.

D.4.g. Procedures for Issuance of Special Permit

D.4.g.1 The SPECIAL PERMIT GRANTING AUTHORITY (SPGA) under this Bylaw shall be the Zoning Board of Appeals. Such special permit shall be granted if the SPGA determines, that the intent of this Bylaw, as well as its specific criteria are met. The SPGA shall not grant a special permit under this section unless the petitioner's application materials include, in the SPGA's opinion, sufficiently detailed, definite, and credible information to support positive

ZONING BYLAW FOR THE TOWN OF NORFOLK, MASSACHUSETTS
Section D. USE REGULATIONS

findings in relation to the standards given in this section. The SPGA shall document the basis for any departures from the recommendations of the other town boards or agencies in its decision.

D.4.g.2. Upon receipt of the special permit application, the SPGA shall transmit one copy to the Board of Health, the Conservation Commission, Building Commissioner, Fire Chief and Board of Water Commissioners for their written recommendations. The SPGA shall not take final action on such special permit application until it has received written recommendations from said agencies or until said agencies have allowed thirty-five (35) days to elapse after receipt of such special permit application without submission of a report thereon. No special permit shall be issued unless the special permit application has been approved by the SPGA or the statutory time limit for approval has lapsed. No special permit shall be issued until all requirements of the special permit application have been completed.

D.4.g.3. The SPGA may grant the required special permit only upon finding that the proposed use meets the following standards, those specified in Section D.4.e. (Use Regulation) of this bylaw, and any regulations or guidelines adopted by the SPGA. The SPGA shall retain qualified experts, upon notice to and at the reasonable expense of the APPLICANT, if necessary in order to evaluate the application. The proposed use must demonstrate that the boundaries of the premises, the groundwater quality resulting from on-site waste disposal, other on-site operations, natural recharge, and background water quality will not fall below the standards established by DEP in Drinking Water Standards of Massachusetts, as most recently revised, or for parameters where no DEP standard exists, below current EPA criteria as published in the Federal Register or, where no such criteria exist, below standards established by the Board of Health in consultation with the Board of Water Commissioners, and where existing groundwater quality is already below those standards, upon determination that the proposed activity will result in no further degradation.

D.4.g.4. The APPLICANT shall file 15 copies of a site plan and attachments. The site plan shall be drawn at a proper scale as determined by the SPGA and be stamped by a professional engineer. All additional submittals shall be prepared by qualified professionals. The site plan and its attachments shall at a minimum include the following information where pertinent:

D.4.g.4.a. A complete list of chemicals, pesticides, herbicides, fertilizers, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use;

D.4.g.4.b. For those activities using or storing such hazardous materials, a hazardous materials management plan shall be prepared and filed with the Hazardous Materials Coordinator, Fire Chief, and Board of Health. The plan shall include:

D.4.g.4.b.1. Provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism, including spill containment and clean-up procedures;

D.4.g.4.b.2. Provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces;

D.4.g.4.b.3. Evidence of compliance with the Regulations of the Massachusetts Hazardous Waste Management Act 310 CMR 30.00, including obtaining an EPA identification number from the Massachusetts Department of Environmental Protection.

D.4.g.4.c. Proposed down-gradient location(s) for groundwater monitoring well(s), should the SPGA deem the activity a potential groundwater threat.

ZONING BYLAW FOR THE TOWN OF NORFOLK, MASSACHUSETTS
Section D. USE REGULATIONS

D.4.g.5. The SPGA shall hold a hearing, in conformity with the provision of MGL ch. 40A, s.9, within 65 days after the filing of the application and after the review by the Town Boards, Departments and Commissioners.

Notice of the public hearing shall be given by publication and posting and by first-class mailings to "parties of interest" as defined in MGL c. 40A, s.11. The decision of the SPGA and any extension, modification, or renewal thereof shall be filed with the SPGA and Town Clerk within 90 days following the closing of the public hearing. Failure of the SPGA to act within 90 days shall be deemed as a granting of the permit. However, no work shall commence until a certification is recorded as required by said s.11.

As prescribed herein, the Zoning Board of Appeals may grant such a special permit provided that it finds that the proposed use:

1. Is in harmony with the purposes and intent of this bylaw and will promote the purposes of the aquifer protection district;
2. Is appropriate to the natural topography, soils, and other characteristics of the site to the developed;
3. Will not, during construction or thereafter, have an adverse environmental impact of the aquifer or recharge area; and
4. Will not adversely affect the quality or quantity of an existing or potential water supply.

D.4.g.6. Written notice of any violations of this Section shall be given by the Building Commissioner or his agent to the responsible person as soon as possible after detection of a violation or a continuing violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirement or restriction violated and the nature of the violation, and may also identify the actions necessary to remove or remedy the violations and preventive measures required for avoiding future violations and a schedule of compliance. A copy of such notice shall be submitted to the Building Commissioner, the Board of Health, Conservation Commission, Fire Chief and Water Commissioners. The cost of containment, clean-up, or other action of compliance shall be borne by the owner and operator of the premises.

For situations that require remedial action to prevent adverse impact to the water resources within the Water Supply Protection District, the Town of Norfolk, the Building Commissioner, the Board of Health, the Fire Chief, or any of their agents may order the owner or operator of the premises to remedy the violation. If said owner and/or operator does not comply with said order, the Town of Norfolk, the Building Commissioner, the Board of Health, the Fire Chief, or any of their agents, if authorized to enter upon such premises under the terms of the special permit or otherwise, may act to remedy the violation. The remediation cost shall be the responsibility of the owner and operator of the premises.

D.4.h.1. Severability

A determination that any portion or provision of this overlay protection district is invalid shall not invalidate any other portion or provision thereof, nor shall it invalidate any special permit previously issued thereunder.

D.4.i. Change of Use

D.4.i.1. Change in activity on premises initiated after adoption of this Bylaw, if resulting in or exceeding any limitations established in a special permit or crossing the thresholds of Section D.4.e. (Use Regulation), shall constitute a change of use. Such change of use may be allowed, but only upon application to the Building Commissioner who may require an application for a special permit.

ZONING BYLAW FOR THE TOWN OF NORFOLK, MASSACHUSETTS
Section D. USE REGULATIONS

D.4.j. Non-Conforming Use

NON-CONFORMING USES which were lawfully existing, begun or in receipt of a BUILDING or special permit prior to the first publication of notice of public hearing for this bylaw may be continued. Such NON-CONFORMING USES may be extended or altered, as specified in M.G.L. Ch.40a, Sec. 6, provided that there is a finding by the SPGA that such change does not increase the danger of surface or groundwater pollution from such use.

D.5. FLOOD PLAIN - WETLANDS PROTECTION DISTRICT

D.5.a. The purposes of the Flood Plain/Wetlands Protection District are:

D.5.a.1. To provide that lands in the Town of Norfolk subject to seasonal or periodic flooding as described hereinafter shall not be used for residence or other purposes in such a manner as to endanger the health or safety of the occupants thereof or any residents of the Town of Norfolk;

D.5.a.2. Protect, preserve, and maintain the water table, watershed, groundwater and water recharge areas within the town so as to preserve present public and private water supplies for the public health and safety of the town of Norfolk;

D.5.a.3. To assure the continuation of the natural flow pattern of the water courses within the Town of Norfolk in order to provide adequate and safe floodwater storage capacity and to protect persons and property against the hazards of flood inundation;

D.5.a.4. To protect and preserve wetland areas, lakes, ponds, streams, rivers, brooks, marshes, meadows and bogs so as to maintain as recharge and water storage sites. To conserve natural conditions, wildlife and open spaces for the education, recreation, and general welfare of the Town of Norfolk and/or residents of the Town of Norfolk;

D.5.a.5. To protect the Town of Norfolk from the detrimental use and development of land and waters within the Flood Plain/Wetlands Protection District.

D.5.b. Permitted Uses - The Flood Plain/Wetlands Protection Districts shall be considered as overlying other districts. All developments in the district including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Compliance with the Massachusetts State Code which addresses floodplain hazard areas (currently 780 CMR 3107.0, "Flood Resistant Construction")
- Wetlands Protection Regulations of the Department of Environmental Protection (DEP)
- Inland Restricted Wetlands, chapter 131, section 40A
- Minimum requirements for the Subsurface Disposal of Sanitary Sewage, (currently 310 CMR 15.000, Title 5)

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

In the Floodplain/Wetlands Protection District, further described in Section D.5.e. herein, the following conditions shall apply:

- A. All encroachments in the FLOODWAY, including new fill, new construction, substantial improvement to existing STRUCTURES, and other development are prohibited unless certification by a registered professional engineer is provided by the APPLICANT demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the 100 year flood (BASE FLOOD).

ZONING BYLAW FOR THE TOWN OF NORFOLK, MASSACHUSETTS
Section D. USE REGULATIONS

- B. Any encroachment meeting the above standard shall comply with the floodplain requirement of the State Building Code, "Flood Resistant Construction" and the goals of the NFIP.
- C. Along all watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the BASE FLOOD discharge.
- D. BASE FLOOD elevation data is required for subdivision proposals or other developments greater than 7 lots or 5 acres, whichever is the lesser within areas described in section D.5.e. of the Flood Plain / Wetland Protection District.
- E. Notification of the relocation of a watercourse must be made to the NFIP State Coordinator, Massachusetts Office of Water Resources, the NFIP Program Specialist, FEMA Region 1, and adjacent communities if the watercourse lies within the watershed of those communities.

The following uses shall be allowed within the Flood Plain/Wetlands Protection Districts without requiring a Special Permit:

D.5.b.1. Conservation of water supply, plants, wildlife, lakes, ponds, streams, brooks, rivers, marshes, swamps, bogs, land, soil, trees, shrubs, meadows;

D.5.b.2. Outdoor recreation, including play areas, nature study, boating, fishing, and hunting which is not harmful to the physical environment, where otherwise legally permitted, but excluding BUILDINGS and STRUCTURES;

D.5.b.3. Non-commercial signs (as permitted in the residential district) wildlife management areas, foot , bicycle and/or horse paths and bridges to allow adequate and safe crossing by pedestrians, bicylists or horses, provided such uses are in compliance with M.G.L. chapter 131, sec. 40, 40A and 310 CMR 10.00 as amended, and all local zoning and wetland laws and provided such uses do not affect the natural flow pattern on any watercourse.

D.5.b.4. Grazing and farming, gardening, nurseries, conservation, including truck gardening and harvesting of crops;

D.5.b.5. Forestry management, providing stumps are not removed and reforestation takes place, by the parties or individual responsible for forestry management;

D.5.b.6. Proper operation and maintenance of existing dams, and other water control, supply and conservation devices including the temporary alteration of the water level for emergency or maintenance purposes and the emergency removal of any and all flashboards of a privately owned dam in order to lower the water level of its backwaters to a safe level providing no downstream properties are damaged by the cumulative increase in any water surface elevation.

D.5.b.7. DWELLINGS lawfully existing prior to the adopting of these provisions, but not including any enlargement more than 25% and/or extension thereof;

D.5.b.8. In the case of fire destruction to BUILDINGS or STRUCTURES existing in Flood Plain/Wetlands Protection Districts prior to the adoption of these provisions, said BUILDING STRUCTURE or STRUCTURES may be rebuilt, and increased up to a maximum of 25% of its original size, provided however, that proper flood-proofing is taken when rebuilt, and said construction complies with all applicable local zoning and wetland laws and the provisions of the Wetland Act and 310 CMR 10.00 as amended. Any substantial improvement or reconstruction of a structure within the floodplain/wetlands district which has been damaged by any cause is subject to the requirements of section 3107.0 of the State Building Code.

ZONING BYLAW FOR THE TOWN OF NORFOLK, MASSACHUSETTS
Section D. USE REGULATIONS

D.5.b.9. Any of the following uses, if permission is, in each case, obtained from the Board of Appeals as described in this bylaw:

- a. Commercial Golf Course
- b. PRIVATE CLUBS for recreation
- c. Temporary stands for sale of produce grown on the premises

D.5.b.10. The portion of any LOT within the area delineated in Section D.5.e. may not be used to meet the area and YARD requirements for the district or districts in which the remainder of the LOT is situated.

D.5.c. Excluded (Prohibited) Uses in the Flood Plain/Wetlands Protection District:

D.5.c.1. In the Flood Plain/Wetlands Protection District no new BUILDING or BUILDINGS or STRUCTURE shall be erected or constructed, and any existing BUILDING prior to the establishment of this bylaw shall not be altered or enlarged to more than 25% of its original size, or moved;

D.5.c.2. No person shall remove, fill, dredge, or alter any lake, pond, river, stream, brook, marsh, swamp, bog, meadow or flood plain or any land within the flood plain and/or wetlands and no ponds or pools shall be created or other changes in watercourses allowed, whether for swimming, fishing, or other recreational uses, scenic features, or drainage improvements, except as permitted in Section D.5.b. of the Flood Plain/Wetlands Protection District Zoning Bylaw;

D.5.c.3. No person shall transfer or relocate earth products except as permitted in Section D.5.b.

D.5.c.4. No septic tanks, leachfields or sewer lines shall be installed in the Flood Plain/Wetlands Protection District.

D.5.d. Exceptions

D.5.d.1. Any person, entity, or governmental agency may seek an exception to Section D.5.c. for authority to make use of land, water bodies, or water courses in a manner which is not permitted by Section D.5.b. by application to the Board of Appeals, in accordance with General Laws, Chapter 40A. The application shall be accompanied by plans, certified by a Registered Land Surveyor or a Registered Professional Civil Engineer, of any construction and of the premises on which it is to be situated. All plans shall show two foot contour intervals. Contours shall be delineated within two hundred feet of the proposed construction (elevations above mean sea level). Copies of such application shall also be sent to the Building Inspector, Board of Health, Planning Board, and Conservation Commission who shall submit their recommendations in writing to the Board of Appeals.

D.5.d.2. The Board of Appeals, after holding a public hearing, may grant an exception of special permit under this Section if the proposed use will not be detrimental to the public health, safety and welfare, if the land is shown to be neither subject to flooding nor unsuitable for the proposed use because of hydrological and topographical conditions, and if the proposed use will comply in all respects to the provisions of the underlying District or Districts within which the land is located.

D.5.d.3. Nothing contained in this Section shall excuse compliance with the wetlands protection statutes, General Laws, Chapter 131, Sections 40 and 40A or any other laws of the Commonwealth of Massachusetts.

D.5.e. Description of Areas

ZONING BYLAW FOR THE TOWN OF NORFOLK, MASSACHUSETTS
Section D. USE REGULATIONS

The Flood Plain District includes all special flood hazard areas designated as Zone A, A1-30, on the Town of Norfolk Flood Insurance Rate Maps (FIRM), effective August 19, 1985, as amended. A copy of the Floodway and Flood Insurance Map and Flood Insurance Study is on file in the office of the Town Clerk.

When the elevations below do not comply with the Floodway and Flood Insurance Rate Maps and Flood Insurance Study, the official map and official document shall govern.

D.5.e.1. Wetlands - Wetlands Districts are indicated on the flood plain map overlay and the numbering of these districts refers to corresponding areas which have been projected on assessors' maps. Further, the official plans showing the Wetlands Districts consist of two (2) sets of maps, one set entitled "Wetland Protection Districts Town of Norfolk" and one entitled "Assessors Maps showing Wetland Districts" and both are on file with the Town Clerk's Office.

D.5.e.2. Flood Plains - Flood plain delineations are established by elevations of area subject to inundation by 100 year frequency floods, as required by the Federal Insurance Administration, U. S. Department of Housing and Urban Development. The flood hazard map was prepared by the Soil Conservation Service, U.S. Department of Agriculture. The elevations listed below are taken from the official document with flood profile information contained in "Flood Hazard Analyses Town of Norfolk", which document is the official document for purposes of this Bylaw and is on file with the Town Clerk's office. The elevations listed below are taken from the official document and when they do not comply with the official maps and official document, the official maps and official documents shall govern.

ZONING BYLAW FOR THE TOWN OF NORFOLK, MASSACHUSETTS
Section D. USE REGULATIONS

| D.5.e.2.A. Description of Areas | Below (MSL) |
|---|----------------|
| Charles River | |
| Town Line Franklin on to Myrtle Street | 140 |
| Myrtle St. elev. 138 to Town line Millis (Dean St) | 136 |
| Town line Millis (below Baltimore St.) to town line Medfield | 128 |
| Mill River | |
| Lawrence St. elev. 165 to Penn Central R.R. elev. 155 Main Street to River Road | 140 |
| Cress Brook | |
| Lake St. to Mill River confluence | 150 |
| Millers Brook | |
| Town line Franklin elev. 160 to Mill River confluence elevation | 138 |
| Stony Brook | |
| Mirror Lake Avenue to Union Street | 186 |
| Union Street to Diamond Street | 182 |
| Diamond Street to Stony Brook Dam | 178 |
| Needham St. Elev. 160 to Stop River confluence elevation | 155 |
| Stop River | |
| South Branch - Upstream from Pine Street | 175 |
| East Branch - Upstream from Pine Street | 170 |
| Pine Street to Dedham Street | 162 |
| Dedham Street to Prison Road | 155 |
| Prison Road to Penn Central R.R. | 150 |
| Campbell Street to Town Line Medfield | 125 |
| Mann Pond Lateral | |
| High tension line to Boardman Street | 175 |
| Boardman Street to Penn Central R.R. | 170 |
| Penn Central R.R. to Seekonk Street | 165 |
| Seekonk Street to Mann Pond Dam | 160 |
| Philips-Harlow-Coolidge Ponds | |
| Entire Flowage - Holbrook St. to Charles River Confluence | 130 |
| Prison Farm Lateral | |
| Spring Street to Needham Street | 160 |
| Needham St. elev. 155 to Stop River confluence elev. | 150 |

D.5.f. Administration

The Planning Board, Board of Appeals, and the Building Inspector shall be responsible for administration of this amendment to the Zoning Bylaws within the limits of their lawful authority.

ZONING BYLAW FOR THE TOWN OF NORFOLK, MASSACHUSETTS
Section D. USE REGULATIONS

D.5.g. Limit of Authority

Nothing contained in this amendment to the Zoning Bylaws of the Town of Norfolk shall otherwise limit the lawful authority of other agencies of government within the Town of Norfolk.