2.4.2.5 Signs in Residential Zones.

(a) Residences may have by permit, one sign, non-illuminated and of area not greater than two square feet for the purpose of announcement of professional or home occupation or for the announcement of the occupants of the dwelling. The sign shall be limited to one back-ground color which shall be white, natural wood or the color of the principal structure or its trim and any color for all lettering and other designs. The lettering on the sign shall not exceed three inches in height. The sign must not be closer than twenty feet from the side lot line. The sign must not be closer than ten feet from the road pavement.

(b) Pre-existing non-conforming uses in residential zones desiring a new sign not conforming under section (a) may apply under the general Bylaw.

2.4.2.6 Temporary signs, pertaining only to the lease or sale of land or building on which the sign is located, will be allowed in all zones subject to the following restrictions:

(a) The sign shall not exceed six square feet in area.
(b) The sign shall not be illuminated.
(c) The addition of the word "sold" is not allowed.

Signs which do not conform to this section must apply under the General Sign Bylaws (Section 2.4.2.).

2.4.2.7 If literal enforcement results in substantial hardship and if no harm to the public good is evident, waivers may be granted by the Board of Selectmen.

2.5 SPECIAL REGULATIONS

2.5.1 Trailers and Mobile Homes

2.5.1.1 Bylaw Applicability

All trailer coaches or mobile homes, used for dwelling, commercial, business or industrial purposes, parked in any area of the Town for more than ninety (90) days shall conform to all Bylaws and regulations applying to permanent dwellings or buildings except in emergencies as provided by the fourth paragraph of Section 3, Chapter 40A of the General Laws.

2.5.1.2 Time Restriction

The use of trailers or mobile homes for dwelling, commercial, business or industrial purposes in the Town for more than a period of one year shall be prohibited.

2.5.2 Accessory Uses

2.5.2.1 Home Occupations

In all Districts professional office or customary home occupation uses are permitted provided that:

(a) The profession or home occupation is conducted by a resident of the premises.

(b) The use is clearly incidental to and secondary to the use of the premises for residential purposes and the external character of the premises is that of a one-family residence.

(c) Not more than two (2) persons other than the residents of the dwelling and not more than a total of four (4) are employed at any one time on the premises in the home occupation.

(d) No noise, vibration, dust, heat, odors, glare, traffic congestion, unsightliness or other nuisance results which is discernible from other properties, or which is detrimental to the environment.

2.5.2.2 Swimming Pools

No person shall erect or construct a permanent swimming pool in the Town of Bolton without a building permit. Outdoor swimming pools shall be protected by a fence, wall, building, enclosure or solid wall of durable material of which the pool itself may be constructed, or any combination thereof. Artificial barriers shall be constructed at least four (4) feet in height so as to be impenetrable by toddlers. These barriers should either completely encircle the pool or the yard in which the pool is located. Any entrances must be equipped with a self-closing and positive self-latching closure mechanism at a height of 42 inches or more, and provided with hardware for permanent locking.

2.5.2.3 Accessory Scientific Uses

Scientific research or development may be allowed on Special Permit as an accessory use in any district, as provided in paragraph 9, Section 9, Chapter 40 A, General Laws.

2.5.2.4 Accessory Apartments

Construction of an accessory apartment is allowed, either in, or attached to, a new or existing dwelling subject to the following requirements:

(a) The residence must be owner-occupied.

(b) Size of the accessory apartment is to be limited to no larger than one-third of the floor space of living area of the residence.

(c) The outside appearance of the premises shall remain that of a single family residence.

(d) All applicable federal, state and local building and health codes must be satisfied including all bylaws of the Town of Bolton.

(e) The accessory apartment shall have its own separate entrances from the outside.

(f) The accessory apartment shall have its own complete kitchen and complete bath and toilet facilities.
(g) There will be only one accessory apartment per residence.
(h) A certified drawing showing the above shall be filed with the Board of Selectmen either for new construction or the creation of an accessory apartment in an existing dwelling.

2.5.2.5 Agricultural /Business Use

The Town of Bolton finds that in order to protect and preserve agricultural, horticultural, floricultural, or viticultural lands, to preserve natural resources and maintain land in active agricultural, horticultural, floricultural, or viticultural use, it is necessary to allow the owners of said lands to conduct an accessory business to supplement income from said uses. Agricultural/Business Use may be allowed by Special Permit issued by the Board of Selectmen under Section 2.2.3 as an accessory use in any district.

a) Allowable Agricultural/Business Uses. Allowable accessory uses are the following:

1) retail sales of farm products, crafts and similar retail products, as well as newspapers or magazines, including serving and consumption of baked goods and other prepared foods on the premises during hours of operation as defined in the Special Permit;
2) large and small animal veterinary services;
3) hosting or staging of revenue-generating events, tours, weddings, and functions which are appropriate in scale to the premises and surrounding residential area, including the preparation and serving of food and beverages for such events
4) Wireless Communication Facility(s), as defined in 2.5.7 Wireless Communication Bylaw, and any accessory structure(s) and or building(s) replaced, constructed, installed and or maintained pursuant to Special Permit(s) issued under 2.5.2.5 Agricultural/Business Use and 2.5.7 Wireless Communication Bylaw.

b) Prohibited Uses. Specific uses which are not allowed on residentially-zoned agricultural land are the following:

1) Gas stations or retail or wholesale fuel storage or delivery;
2) Retail stores such as drug, department, pastry, hardware, and clothing stores; and
3) Manufacture of non-agricultural products.

All other uses must meet the requirements of Section A. above.

c) Eligibility. An owner may apply for an Agricultural/Business Use Special Permit if the owner has not fewer than 20 acres on one or more contiguous parcels or 75 contiguous acres as specifically required by 2.5.2.5 e) Wireless Communication Accessory/Business Use within the Town of Bolton which is:

1) being actively farmed, or which has a specific farming plan submitted with the application, and
2) which has a state, town, or privately held perpetual agricultural preservation restriction or conservation restriction or an application for such a restriction pending before the appropriate approving authority for the restriction. The restriction must apply to at least 20 acres, but the accessory use may be on un-restricted land contiguous to the agricultural land. Any special permit granted regarding land which is the subject of a pending restriction will be issued conditionally upon approval of the restriction.

d) Criteria. The proposed agricultural/business use must be clearly accessory to the principal use of the premises. The special permit shall be granted only upon the determination that:

1) the use meets the definition of Section A above and is not one of the excluded uses in Section B. above; and
2) the use is reasonably related to the primary use and serves to promote the primary use and its products beyond merely bringing in additional revenue; and
3) the use is not detrimental to the primary use of the land; and
4) total annual projected sales from the accessory use when fully operational do not exceed total sales derived from agriculture, horticulture, floriculture, or viticulture; and
5) facilities and structures constructed for the accessory use are compatible with other agricultural facilities on the property in function, visually, and in scale such that the total footprint of all accessory facilities does not exceed 50% of the footprint of all agricultural facilities on the property; and
6) the accessory use is:

(a) appropriate to the site;
(b) meets all of the requirements of Section 2.2.3.2 of the bylaws;
(c) does not substantially adversely affect the surrounding residential properties as compared with the primary use as to sound, light, odor, noise, and other disturbances;
(d) does not pose a threat to traffic safety; and
(e) does not adversely affect the Town's ability to provide municipal and public safety services to the premises by way of existing roads and with the use of existing town equipment.

e) Wireless Communication Agricultural/Business Use. An Agricultural/Business Use Special Permit to construct a Wireless Communication Facility(s) pursuant to this bylaw may be issued if in addition to the above, the owner and the parcel(s) on which the Wireless Communication Facility(s) is (are) located have complied with the following:

1) a Special Permit issued under 2.5.7 Wireless Communication Bylaw has previously or is contemporaneously granted; and
2) the property has (i) an Agricultural Preservation Restriction with the Commonwealth of Massachusetts in perpetuity pursuant to Massachusetts

General Laws, or (ii) an Agricultural Development Restriction with the Town of Bolton, or (iii) an application for such a restriction pending before the appropriate approving authority.

An Agricultural Development Restriction is a restriction granted to the Town of Bolton that is administered by the Board of Selectmen and recorded with the Worcester Registry of Deeds or with the Land Court that prohibits the subdivision, development or other non-agricultural use of any part of the restricted property. The Agricultural Development Restriction must contain wording that specifies that the Board of Selectmen will not release any of the restricted property until they have determined that the property has been restored to substantially the same condition as it was in prior to the construction of the Wireless Communication Facility. The Agricultural Development Restriction must further convey to the Town of Bolton in perpetuity a right of first refusal to acquire the restricted property.

Any Special Permit granted which is the subject of a pending restriction will be issued conditionally upon approval of the restriction. The executed restriction must be recorded with the Worcester Registry of Deeds; and

3) for each Wireless Communication Facility, the Agricultural Preservation Restriction or the Agricultural Development Restriction must apply to contiguous parcel(s) of at least seventy-five (75) contiguous acres within the Town of Bolton and 2.5.2.5 c) 2) does not apply. More than one Wireless Communications Facility or Tower may be situated on a contiguous parcel(s). For each additional Tower after the first Tower on a contiguous parcel(s), the contiguous property under either an Agricultural Preservation Restriction or the Agricultural Development Restriction must be increased by a multiple equal to at least the number of additional Towers times a minimum of seventy-five (75) contiguous acres within the Town of Bolton; and
4) no portion of the property included in the area restricted pursuant to 2.5.2.5 e) 2 can be included or considered as part of any other Agricultural Preservation Restriction for any other allowable Agricultural/Business Use application or Special Permit under 2.5.2.5.
5) all of the Wireless Communication Facility(s) must be located wholly within the contiguous restricted property; and
6) the restricted property must have at least 200 feet of continuous frontage on an approved or accepted right of way within the Town of Bolton; and
7) any Wireless Communication Facility must be set back from any:

i) property line, other than a property line immediately bordering Rt. 495, by not less than 600 feet. From a property line bordering Rt. 495 the setback shall be at least one (1) time the height of the Wireless Communication Facility, including any appurtenant equipment or Communication Device(s) attached thereto; and

ii) the centerline of an approved or accepted right of way, other than Rt. 495, by not less than 800 feet. Adjacent to Rt. 495 the property line setback will apply; and

iii) the Wireless Communication Bylaw 2.5.7.6 Required Findings For A Special Permit 8(i) and 8(ii) do not apply; and

iv) At the time of the Special Permit Application, from any residence which has been built or for which a building permit has been granted or from the site of any residence shown on a plan of land approved by the Town of Bolton or under consideration for approval by the Town of Bolton by not less than 1,000 feet.

8) the requirements of 2.5.2.5 d) 2) and 2.5.2.5 d) 5) shall not apply.

Sufficient grounds for the immediate revocation of the Agricultural/Business Use Special Permit for a Wireless Communication Agricultural/Business Use shall include the discontinuation of the agricultural use of the restricted property.

Administration. Such permit may also impose conditions, safeguards and limitations on time and use. Changes to the accessory use and/or increases to and/or size of agricultural facilities which result in increases in the number or size of accessory facilities require submission of a new Special Permit application to the Special Permit granting authority.

f). Enforcement. The Special Permit granting authority shall monitor conduct of agricultural/ business accessory uses for compliance with the terms of the special permit and any conditions attached thereto. The Special Permit granting authority shall impose as a condition that the permit holder must provide, if requested, annual sales information for the accessory agricultural/business and primary agricultural use of land. If the Special Permit granting authority determines that the permit conditions have been violated, the permit may be revoked following notice and public hearing.

2.5.3 Flood Plain District

2.5.3.1 The Flood Plain District is herein established as an overlay district. The underlying permitted uses are allowed provided that they meet the following additional requirements as well as those of the Massachusetts State Building Code dealing with construction in flood plains. The Flood Plain District includes all special flood hazard areas designated as Zone A, A1-30 on the Town of Bolton Flood Insurance Rate Maps (FIRM), and the Flood Boundary and Floodway Maps, dated June 18, 1980, on file with the Town Clerk, Planning Board and Building Inspector. These maps as well as the accompanying Bolton Flood Insurance Study are incorporated herein by reference.

2.5.3.2 Development Regulations

The following requirements apply in the Flood Plain District:

(a) Within Zone A, where the base flood elevation is not provided on the FIRM, the applicant shall obtain any existing base flood elevation data and it shall be reviewed by the Building Inspector for its reasonable utilization toward meeting the elevation of flood proofing requirements, as appropriate, of the State Building Code.

(b) In the floodway, designated on the Flood Boundary and Floodway Map, the following provisions shall apply:

1. All encroachments, including fill, new construction, substantial improvements 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.

2. Any encroachment meeting the above standard shall comply with the flood plain requirements of the State Building Code.

2.5.3.3 Applicability

Nothing contained in this section shall limit the authority of the Board of Health with respect to premises in the Flood Plain District or affect the applicability of any other Bylaw to any building activity in the Flood Plain District.

2.5.4 Deleted Annual Town Meeting May 1, 2006 (Water Resource Protection District)

2.5.5 Business, Commercial and Industrial Regulations

2.5.5.1 General

Any structure or outdoor storage for business, commercial or industrial use shall comply with the following requirements:

2.5.5.2 Activity Regulations

No such use shall:

(a) Store or use volatile poisonous liquids in excess of 20,000 gallons.

(b) Operate slaughter houses commercially.

(c) Store or produce explosives.

(d) Wreck or store junk or wreckage of any kind.

(e) Store or produce fertilizers.

(f) Store or produce any product which might be noxious, pungent, or create ugly refuse.

(g) Produce objectionable noise, dust or dirt.

(h) Produce a product or by-product emitting harmful radiation.

(i) Create any form of environmental pollution.

(j) Involve the sale of new or used motor vehicles.

2.5.5.3 Greenspace Regulations

(a) Landscaping: All areas not covered by structures or used for access or parking shall be protected by grass, trees, shrubbery, or equivalent cover.

(b) Buffer: Structure or outdoor storage shall be separated from any lot residentially used or zoned by a buffer zone either naturally wooded for fifty feet (50') in width, or if approved by the Board of Selectmen, by a narrower buffer providing equivalent visual screening through densely planted evergreen trees large enough to reach five feet (5') in height in three years and of a type which will continue to grow in height.

2.5.5.4 Firefighting Water

An accessible tank, reservoir, or water hole containing at least one gallon of water for each square foot of total floor area of buildings of combustible material and one gallon of water for each two square feet of total floor area of buildings of noncombustible material shall be provided and maintained within l,000 feet of each industrial or commercial building unless said building is located within l,000 feet of an existing equivalent body of water.

2.5.5.5 Special Permits For Zoning Use

For those uses identified in Section 2.3.4 of the Bolton Zoning By-laws as requiring a special permit from the Planning Board, the following factors shall be considered by the Planning Board in granting, denying, or considering renewal of any special permit:

(a) the existence of safe vehicle access to and from the right-of-way;

(b) the existence of safe pedestrian access to and from the site;

(c) the adequacy of provisions to reduce or eliminate undesirable visual, noise, odors or similar impacts upon adjoining properties and the public;

(d) the adequacy of provisions for controlling and cleaning up on-site and off-site litter and debris;

(e) the existence of water and waste management plans for the premises which will minimize any adverse impact on natural and community resources;

(f) the adequacy of proper controls for containment of exhaust fumes or other emissions from the premises;

(g) the degree to which the project will recycle waste materials, will utilize recycled materials, and will utilize water conserving and energy efficient appliances;
(h) the degree to which the project design is in harmony with the neighborhood and the environment; and
(i) whether in all other respects the proposed project will be in harmony with the general purpose and intent of the Bolton Zoning by-law and not detrimental to the neighborhood or the Town.

Any special permit granted under this section may contain such conditions, restrictions or requirements as the Planning Board deems appropriate to accomplish the purposes and intent of this Zoning By-law and to assure that the proposed use will satisfy the criteria set forth above.

In addition to the special permit required under this section, the applicant shall also meet the requirements of the Site Plan Approval Process before the Board of Selectmen as set forth in Section 2.5.5.6 of the Bolton Zoning Bylaws.

2.5.5.6 Site Plan Approval Process.
To assist in assuring compliance with the Zoning Bylaw and other provisions of the law, any use subject to Site Plan approval shall be established or expanded in ground area and any building for such use shall be erected or externally altered only in conformity with a Site Plan approved by the Board of Selectmen with the advice of the Planning Board. Site Plan approval will be required of all uses in Limited Business, Limited Recreation Business, Business, Commercial and Industrial Zones, exempting agricultural, horticultural, floricultural and viticultural uses.

All Site Plans (four copies) shall be submitted directly to the Board of Selectmen. When the Board of Selectmen receives a Site Plan for its approval, it shall deliver a copy to the Planning Board for advice. The Board of Selectmen shall act on the Site Plan only after the Planning Board has submitted its advice, or has allowed thirty (30) days to pass without acting. Where a Site Plan is required, the Inspector of Buildings shall issue a building permit only on receipt of an approved Site Plan and a Certificate of Occupancy shall not be issued until completion of all improvements and compliance with the approved Site Plan. The Board of Selectmen and the Inspector of Buildings shall maintain permanent files of Approved Site Plans. The Board of Selectmen shall either approve or note deficiencies within fourteen days of receipt of Planning Board review. Where appropriate, the Board of Selectmen, with advice of the Planning Board may waive the requirements for the Site Plan application.

The Site Plan shall show information as needed to determine compliance with the Zoning Bylaw and shall be prepared by a Registered Professional Engineer, Land Surveyor, Architect, and/or Landscape Architect.

In reviewing the Site Plan, the Planning Board and the Board of Selectmen shall consider the following matters:

(a) Protection of adjoining premises against detrimental uses by provision for surface water drainage, sound and sight buffers, generation of electrical machine interference, preservation of views, light and air;
(b) Convenience and safety of vehicular and pedestrian movement within the site, the location of driveway openings in relation to traffic or to streets serving the site, and when necessary, compliance with other regulations for the handicapped, minors and the elderly, including the location of pedestrian access adjacent to the site;
(c) Adequacy and the arrangement of parking and loading spaces in relation to the proposed uses of the premises and the abutting property;
(d) Adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site;
(e) Relationship of structures and open spaces to the natural and planned landscape, existing buildings and other community assets in the area and compliance with other requirements of the Zoning Bylaws;
(f) Demands on the Town's resources including effect on the Town's water supply, fire protection, police enforcement and highway department;
(g) Location, size, lighting and appearance of all site signage, traffic and parking lights, fencing, petroleum and chemical storage facilities, fire and life safety equipment.
(h) And may impose such appropriate conditions, limitations, and safeguards as will insure compliance with the terms of the approval.
(i) Regulations and a filing fee may be adopted by the Board of Selectmen.

Where a Site Plan as submitted requires, revision and deficiencies shall be indicated to the applicant clearly in writing, but Site Plan approval shall not be granted until all required changes have been incorporated on a resubmitted plan; any resubmitted plan shall be subject to the procedure outlined in paragraph 2 above. Site Plan approval shall expire if any work thereunder is not begun within twelve (12) months after issuance of the building permit and not diligently carried through to completion.

2.5.6 Scenic Roads

Acting under Section 15C, Chapter 40 of the General Laws, the following roads are designated as Scenic Roads:

Ballville	Old Bay
Bear Hill	Old Harvard
Berlin	Old Sugar
Bolton St.Rd.No.1	Quaker
Burnam	Randall
Century Mill	Sampson
Corn	Sargent
East End	Sawyer
Flanagan	South Bolton
Forbush Mill	Spectacle
Frye	Sugar
Golden Run	Teele
Green	Town Farm
Jordan	Vaughn Hill
Lewis	Warner
Lively	Wattaquadock (From Old Bay to Main)
Long Hill	West Berlin
Manor	Wheeler
Meadow	Whitcomb
Moore	Wilder
Nourse	Willow

Designation as a Scenic Road allows the Town to preserve the qualities and character of the town ways. Any repair, maintenance, reconstruction, or paving work done with respect thereto, of a Scenic Road shall not involve or include the cutting or removal of trees, or the tearing down or destruction of stone walls, or portions thereof, except with the prior written consent of the Planning Board after a Public Hearing duly advertised.

In granting or refusing such consent the Planning Board shall consider, among other things, the public safety, scenic views, preservation of historic and regional characteristics, and preservation and enhancement of natural and aesthetic qualities of the environment.

The Planning Board may adopt reasonable further standards relative to Scenic Roads not inconsistent with this Bylaw and the General Laws.

2.5.7 Wireless Communication Bylaw

2.5.7.1 Purpose

The purpose of the Wireless Communication Bylaw is to establish predictable and balanced regulations for the siting of wireless communication equipment in order to accommodate the growth of wireless communication systems within the Town of Bolton while protecting the public against adverse impacts upon the Town's aesthetic resources and the public welfare and to:

1. Promote the public health, safety, general welfare, quality of life and rural character of the Town of Bolton;
2. Guide sound development;
3. Conserve the value of lands, natural resources, residences and buildings;
4. Encourage the most appropriate use of the land;
5. Minimize the adverse aesthetic and visual impact of wireless communication facilities;
6. Minimize the number of wireless communication facility sites;
7. Encourage co-location of licensed wireless communication carriers;
8. Ensure that wireless communication facilities are sited, designed and screened in a manner that is sensitive to the surrounding neighborhood and the Town of Bolton;
9. Avoid damage to and limit the impact upon abutting properties.

2.5.7.2 Definitions

Communication Device - Any antennae, dish or panel or similar equipment mounted out of doors on a tower, building or structure used by a licensed commercial telecommunications carrier(s) to provide telecommunication(s) services. The term Communication Device does not include a tower. High gain point to point antenna are not permissible.

Tower - Any equipment mounting structure that is used primarily to support any reception equipment, transmission equipment or Communication Device that measures twelve (12) feet or more in its longest vertical dimension. The definition of tower shall include, but not be limited to, monopole and lattice structures.

Wireless Communication Facility - Any and all construction, installation, expansion, extension or use of any Communication Device(s), Tower(s), materials, equipment, storage structures, accessory buildings, dishes and antennas used by a licensed commercial telecommunication carrier(s), the Town of Bolton's municipal public safety services and/or the Town of Bolton's public schools to provide telecommunication services including personal wireless communication.

2.5.7.3 Applicability and Special Permit

No Wireless Communication Facility shall be erected, installed, modified, replaced or maintained except upon the grant of a Special Permit in compliance with the provisions of this Wireless Communication Bylaw. The provisions of the Wireless Communication Bylaw will apply to all Wireless Communication Facilities whether as a principal use or an accessory use and to any and all modification, extensions, and additions to, or replacements of existing Wireless Communication Facilities.

All modifications, extensions and additions to, or replacements of a Wireless Communication Facility shall be subject to a modification of the Wireless Communication Bylaw Special Permit following the same requirements as required for an original application.

The Wireless Communications Overlay District is an overlay district mapped over other districts with regard to specific locations. All requirements of the underlying zoning district shall remain in full force and effect, except as may be specifically superseded herein. Any Wireless Communication Facility to be constructed, installed, replaced, maintained and/or used in the Wireless Communication Facility Overlay District must be in compliance with the provisions of this Wireless Communication Bylaw and upon the grant of a Special Permit. The Wireless Communication Overlay District shall be superimposed on the Town of Bolton Zoning Map so as to indicate the extent and location thereof.

Wireless Communication District A.
This overlay district consists of all land located within the business, limited business, commercial and industrial zoning districts as shown on the official zoning map for the Town of Bolton.

Wireless Communication District B.
This overlay district consists of land designated on the Bolton Assessors Maps as:

Location	Parcel ID
41 Main Street	Map 5E, Parcel 9
96 Hudson Road	Map 3D,Parcel 15A
Main Street	Map 4C, Parcel 38A
Forbush Mill Road	Map 5A, Parcel 19

Wireless Communication District C.
This overlay district consists of the residential zoning district as specifically provided for in conformance with 2.5.2.5 Agricultural/Business Use and in compliance with the provisions of this Wireless Communication Bylaw and upon the grant of a Special Permit.

No Wireless Communication Facility shall be erected, installed, modified, replaced, maintained and/or used in a Wetland Resource Area as defined in the Wetlands Bylaw 1.18.2.

2.5.7.4. Jurisdiction
The Board of Selectmen is authorized to grant and modify Special Permit(s) pursuant to Massachusetts General Laws Chapter 40A, for Wireless Communication Facility(s) within the Town of Bolton. The Board of Selectmen are further authorized to grant or modify Special Permit(s) for the construction, installation, replacement, maintenance and/or use of Wireless Communication Device(s) and Wireless Communication Facility(s) on already existing buildings or structures in the residential, business, limited business, commercial or industrial zoning districts.

The Wireless Communication Bylaw Special Permit will establish (i) the intensity of use, including the number, type and location of Wireless Communication Device(s), (ii) periodic monitoring and reporting and (iii) other provisions as determined by the Board of Selectman.

A Wireless Communication Facility shall not be required to be sited on its own lot as required by 2.3.5.3 One Building Per Lot.

To facilitate the administering of this Wireless Communication Bylaw, the Board of Selectmen may establish and amend: (i) rules and regulations, (ii) application fees, requirements and procedures, (iii) engineering, consulting, review, and periodic monitoring fees, and (iv) reasonable Special Permit license fees.

2.5.7.5 Expiration
Any Wireless Communication Special Permit granted or renewed pursuant to this Bylaw shall expire five (5) years after the date of the decision of the Board of Selectmen or the determination of an appeal as referred to in Massachusetts General Laws, Chapter 40A, Section 17.

An application to renew or extend a Special Permit granted pursuant to this bylaw will be considered and administered as a new Special Permit application.

2.5.7.6 Required Findings For A Special Permit

The Board of Selectmen may grant or modify a Wireless Communication Bylaw Special Permit only if they find:

1. That there is no existing or approved Wireless Communication Facility(s), Tower(s), or other structure(s) reasonably available that could accommodate the Wireless Communication Facility or could reasonably provide the service(s) or a reasonable alternative service.
2. That the applicant demonstrated to the satisfaction of the Board of Selectmen that the siting and proposed location of the Wireless Communication Facility is critical and cannot be reasonably accommodated by co-locating on existing Wireless Communication Facilities.
3. That the applicant and all tenants hold at the time of application all necessary Federal, State and FCC telecommunications licenses required to operate the Wireless Communication Facility.
4. That the applicant has certified to the Board of Selectmen that they are in compliance with all applicable Federal, State and local laws and regulations including any amendment(s) thereto.
5. That the size and height of the Wireless Communication Facility is the minimum necessary to accommodate all users thereon and that any Tower, including all appurtenant equipment, Wireless Communication Device(s) and or Communication Device(s) shall:
   i) Not exceed seventy-five (75) feet above the average grade of the existing terrain at the tower's base, unless the applicant demonstrates to the satisfaction of the Board of Selectmen that a taller structure is required.
   ii) In no event exceed a height of one hundred and fifty (150) feet above the average grade of the existing terrain at the tower's base; and
   iii) In no event be of such a height or location as to require aviation warning lighting.
6. That the Wireless Communication Facility has been designed in all respects to accommodate multiple licensed telecommunication carriers and that the applicant has agreed to and will permit other licensed telecommunications carriers to co-locate on the facility at commercially reasonable terms.
7. That the Wireless Communication Facility will not have a material adverse impact upon any Bolton viewshed as determined solely by the Board of Selectmen.
8. That any Wireless Communication Facility in the business, limited business, commercial or industrial zoning districts is set back from:
   i) Any property line, other than a property line immediately bordering Rt. 495, the greater of 400 feet or a distance equal to two (2) times the height of the Wireless Communication Facility, including any appurtenant equipment, device(s) or Wireless Communication Device(s) attached thereto. From a property line bordering Rt. 495 the setback shall be at least one (1) time the height of the Wireless Communication Facility, including any appurtenant equipment, device(s) or Wireless Communication Device(s) attached thereto; and
   ii) The centerline of an approved or accepted right of way, other than RT. 495, by not less than 500 feet; and

iii) Any residence which has been built or for which a building permit has been granted at the time of the application, or from the site of any residence shown on a plan of land approved by the Town of Bolton or under consideration for approval by the Town of Bolton at the date of application, by not less than 1,000 feet.

9. That any Tower has been designed, using the best available technology to blend in to the surrounding environment through the use of color, camouflaging techniques, or other architectural treatments. Monopole construction is preferred.
10. That the Wireless Communication Facility includes a provision(s) for the reasonable co-location at no cost to the Town of Bolton of communication systems to support the Town's emergency and safety services and its municipal public schools.
11. That the Wireless Communication Facility complies with the following minimum design requirements:
    a) that the Wireless Communication Facility has been so sited so as to make use of natural vegetative screening and that an adequate replacement of vegetation providing a noise buffer to neighboring properties is provided for, and
    b) that to the greatest extent practical the clearing of existing vegetation and the impact on the site's natural resources and topography is minimized, and
    c) that any clearing of existing on-site vegetation will preserve such vegetation to the maximum extent practicable and that any disturbed areas will be restored to the maximum extent practicable, and
    d) that access to any Wireless Communication Facility has been engineered and will be built to ensure that the Town of Bolton's emergency services can respond safely to the site, and
    e) that emergency access to the site is available at all times to the Town of Bolton's emergency services, and
    f) that any emergency backup generators will be installed such that they only cycle periodically during non-holiday weekdays, between 8:00AM and 5:00PM, and
    g) that any wireless communication facility or tower is fenced so as to control access to the facility and that any fencing is designed so as to be as unobtrusive as possible, and
    h) that only signage acceptable to the Board of Selectman will be visibly posted. At a minimum an announcement sign, a no trespassing sign and a sign giving a phone number where the owner or operator can be reached on a twenty-four hour basis, and
    i) that any accessory buildings and structures (i) do not exceed one story in height, (ii) contain no more than 300 square feet in floor area for each user, (iii) is located within the fenced in area, and (iv) is compatible in appearance.

2.5.7.7 Non Use

The operator must provide immediate acceptable written notice to the Board of Selectmen in the event of any change of ownership in any wireless communication facility, tower, communication device, accessory building, or of the underlying property. The operator or the property owner must provide immediate notice to the Board of Selectmen if the use of any wireless communication facility, tower, communication device or accessory structure is discontinued. Any unused wireless communication facility, tower, communication device and/or accessory structure, shall be removed from the Town of Bolton within one (1) year of cessation of use and the property shall be restored to substantially the same condition as it was in prior to the alteration.

To secure compliance with this provision, the Board of Selectmen may require that the applicant post adequate and acceptable surety as determined solely by the Board of Selectmen.

All unused wireless communication facility(s), tower(s), communication device(s), accessory structure(s) and or any parts thereof, which have not been used for two years and which have not been removed from the Town of Bolton, may be dismantled, removed and the site restored to substantially the same condition as it was in prior to the alteration by the Town of Bolton. All costs incurred by the Town of Bolton directly related to and incidental to any such dismantling, removal and restoration shall be payable by the owner of the property.

As conditions to any Special Permit granted under this Wireless Communication Bylaw the property owner shall be required (i) to enter into an agreement with the Town of Bolton whereby the property owner is liable for all costs set forth in the preceding sentence and agrees to the conditional lien on the property as set forth below; (ii) to execute a document creating a lien on the property which by its terms shall become effective in the event that the Wireless Communication Facility has not been used for two years and has not been removed and the site restored within thirty days of written notice by certified mail to the owner; and (iii) to execute a Notice of Contract regarding the real estate. Both the lien document and the Notice of Contract shall be in a form suitable for recording at the Registry of Deeds. The Notice of Contract shall be recorded at the time of recording the Special Permit; the lien document shall be recordable upon the attachment of an affidavit signed by the Chair of the Board of Selectmen that the Wireless Communication Facility was unused for two years and has not been removed by the owner and setting forth as the amount of the lien a sum equal to all costs incurred by the Town of Bolton to dismantle and remove the facility and restore the property.

2.5.7.8 Compliance

The failure of the applicant, owner, owner of the property, and or any licensed telecommunications carrier tenant to comply with the Bylaws of the Town of Bolton or with any section of the Wireless Communication Bylaw Special Permit shall be sufficient grounds for the immediate revocation or non-renewal of the Special Permit.

2.5.7.9 Exemptions

The following are exempted from this Wireless Communication Bylaw:

1. Amateur radio tower or communications device(s). An amateur radio tower or communications device(s) defined as a Tower or Communication Device(s) used solely in accordance with the terms of an amateur radio license(s) issued by the Federal Communications Commission. In order to qualify for this exemption, the Tower and any Communication Device(s):

i) must not be used or licensed for any commercial purposes; and
ii) must be immediately dismantled if the amateur radio license is revoked or not renewed by the FCC.

2. Wireless Communication Facility(s), Tower(s) or Communication Device(s) erected and maintained by the Town of Bolton and/or the Town of Bolton's public schools solely for the Town of Bolton's municipal emergency and safety communication purposes. In the event that any Wireless Communication Facility(s), Tower(s) or Communication Device(s) exempted by this section is no longer used, or any part thereof is no longer used, the unused portion must be removed within one (1) year as provided for and in compliance with Section 2.5.7.7 Non Use.

Lawfully preexisting Wireless Communication Facility(s), Tower(s) or Communication Device(s) and any accessory structure(s) may not be modified, replaced, extended or added to except in accordance with 2.1.3.3. Pre-existing Nonconforming Uses and Structures and, if applicable, this Wireless Communication Bylaw. For any pre-existing nonconforming Wireless Communication Facility(s), Tower(s) or Communication Device(s) the provisions in 2.1.3.3. a) Extension or Alteration that considers any increase of not over 100% from the original floor area of the building at the time of the adoption of the Zoning Bylaw on April 13, 1972, or not over 50% of the ground area in use at that time as not substantially more detrimental to the neighborhood will not apply. Any increase will need to conform with the requirements of 2.5.7 Wireless Communication Bylaw.

2.5.8 RATE OF DEVELOPMENT

2.5.8.1 Purpose and Intent

The purpose of this bylaw is to ensure orderly growth and development consistent with the Town's historic rate of residential growth for a limited

period of time to permit the Town of Bolton to comprehensively address issues created by residential and commercial growth through the creation of a Master Plan and the implementation of necessary zoning by-law changes identified by that Master Plan.

2.5.8.2 Applicability

This bylaw shall apply to the issuance of all building permits for construction of new dwellings, except for those exemptions and exceptions set forth in subsections 2.5.8.5 and 2.5.8.6.

2.5.8.3 New Dwelling Unit Limitation

Commencing upon the date of adoption of this bylaw, building permits shall not be issued for the construction of, or conversion to, more than thirty-seven (37) new dwelling units in any twelve (12)-month period. Following adoption of this bylaw, the number of units to be allowed in such period shall be determined by subtracting from the thirty-seven (37)-unit limit the total number of permits authorized, minus those permits withdrawn or expired without use.

Building permit applications refused because of this limitation shall be held and acted upon in chronological sequence, based upon the date of receipt by the Building Inspector. In order to ensure a fair distribution of permits, building permits granted to any one (1) applicant in any twelve (12) month period shall be limited to a total of six (6) new dwelling units, unless a special permit is granted pursuant to subsection 2.5.8.6.

2.5.8.4 Procedures and Permit Phasing

No applicant may have more than two (2) complete applications for a new single family building permit before the Building Inspector in any given month. Building permits shall not be issued to any applicant authorizing the construction of more than six (6) new single family dwelling units (exclusive of unused authorizations that have lapsed or have been withdrawn) in any twelve (12)-month period for any lots that are, as of date of adoption of this bylaw, contiguous or held in the same ownership, unless the Planning Board has granted an exemption from this requirement pursuant to a special permit, as provided in subsection 2.5.8.6.

The procedures for issuing the new single family building permits referred to herein shall be as follows:

a. Applications for a building permit must be completed and filed. Improperly filed or rejected permits shall not be deducted from the available units to be

authorized in any month, will not be included in the chronological sequence described in 2.5.8.4, and will require a new submittal.

b. The Building Inspector must process and issue permits for all complete and properly filed permit applications pursuant to this bylaw, in the chronological sequence in which such applications are received.

c. To assist the Building Inspector, the Planning Board shall establish procedures, and may adopt reasonable rules and regulations, to ensure the proper administration of this bylaw and the orderly phasing of residential development associated with building permits for any land subdivided pursuant to the provisions of MGL Chapter 41, the Subdivision Control Law.

2.5.8.5 Exemptions

The permit limitation provided in this bylaw shall not apply to building permits for the construction of the following:

a. Any housing unit to be built under any program or statute intended to assist in the construction of low or moderate income or elderly housing as defined in any applicable statute or regulation, including Town bylaws.

b. Reconstruction of an existing dwelling after catastrophic loss, or repairs, expansion, alteration or historic restoration to an existing dwelling.

c. Applications for permits that have been exempted from the limitations of this bylaw, as provided in subsection 2.5.8.6 below.

d. The construction of a single family dwelling on land that, as of the effective date of this bylaw, was part of a lot held in separate ownership and containing one single-family dwelling, provided that only one (1) such new dwelling may be constructed in any year, and provided that no more than two (2) dwellings may be created from the original lot, with the existing and new dwelling each on separate lots, complying with all zoning requirements of the district in which they are located.

e. Permits for non-residential purposes.

2.5.8.6 Special Permit for More Rapid Development

For purposes of this bylaw, the Planning Board shall be the special permit granting authority. Notwithstanding the requirements of subsections 2.5.8.3 and 2.5.8.4 above, the Planning Board may issue a special permit authorizing the immediate issuance of a building permit for up to ten (10) single-family dwelling units upon making all of the following determinations and findings:

a. A salient and unmet housing need would be addressed by the granting of such permit; and

b. Adequate infrastructure and other mitigating measures are being provided to ensure that municipal services will not be overburdened; and

c. Expected benefits to the community outweigh anticipated adverse impacts upon municipal service or public facilities associated with the issuance of a Special Permit.

2.5.8.7 Duration

This by-law shall remain in effect until the earlier of (a) two years after the adoption by the Town of Bolton of a Master Plan or (b) December 31, 2008

2.5.8.8 Zoning Change Protection

The protection against subsequent zoning change provided by MGL c. 40A, §6, to land in a subdivision shall, in the case of a residential development whose completion has been limited by subsection 2.5.8.3 above, be extended by a time period to enable completion.

2.5.8.9 Severability

Each provision of this bylaw shall be construed as separate, to the end that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

2.5.9 INCLUSIONARY HOUSING

2.5.9.1 Purpose and Intent

The purpose of this Bylaw is to outline and implement a coherent set of policies and objectives for the development of affordable housing in compliance with the Bolton Affordable Housing Plan, MGL c. 40B sec. 20-23 and ongoing programs within the Town of Bolton to promote a reasonable percentage of housing that is affordable to moderate income buyers. It is intended that the Affordable Housing Units (AHU) that result from this Bylaw be considered as Local Initiative Program (LIP) dwelling units in compliance with the requirements for the same as specified by the Department of Community Affairs, Division of Housing and Community Development and that said units count toward the Town's requirements under MGL c. 40B, sec. 20-23.

2.5.9.2 Definitions

1. Affordable Housing Unit (AHU). A dwelling unit available at a cost of no more than 30% of gross household income of households at or below 80% of The Metropolitan Statistical Area (MAS) which includes the Town of Bolton (the Bolton MSA) median income as reported by the U.S. Department of Housing and Urban

Development, including units listed under MGL 40B sections 20-24 and the Commonwealth's Local Initiative Program.

2. Qualified affordable housing unit purchaser. An individual or family with household incomes that do not exceed 80% of the median income, with adjustments for household size, as reported by the most recent information from the United States Department of Housing and Urban Development (HUD) and/or the Massachusetts Department of Housing and Community Development (DHCD).

3. Special Permit Granting Authority (SPGA). The SPGA shall either be the Planning Board (if the project is a regular Major Residential Subdivision, FOSPRD or regular development on a combination of ANR and/or Backland lots (and the affordable units considered as Local Initiative Program (LIP) dwelling units) or the Zoning Board of Appeals (ZBA) if the project is brought forth as a "friendly 40B" project and is required to follow Comprehensive Permit guidelines.

4. Off-Site. Off-site shall mean fully buildable lots not contiguous to the primary development as of the date of transfer or application, whichever is applicable, located within the Town of Bolton.

5. Rehabilitated. Pre-existing legal housing stock (no non-conforming pre-existing structures shall be allowed in this definition) located in Bolton that is not under affordable guidelines that has been renovated to current State Building Codes and Bolton Board of Health Rules and Regulations as may be required for the purpose of use as an Affordable Housing Unit.

2.5.9.3 Applicability

1. Division of Land. This Bylaw shall apply to the division of contiguous land held in single or common ownership into eight (8) or more lots. The conditions of this Bylaw will apply to the special permit required and issued for land divisions under MGL c. 40A sec. 9 as well as for "conventional" or "grid" divisions allowed by MGL c. 41 sec. 81-L and sec. 81-U, including those divisions of land that do not require subdivision approval. This bylaw therefore applies to Section 2.3.6 (Farmland and Open Space Planned Residential Development) and Section 2.3.7 (Major Residential Development) of the Zoning Bylaws.

2. Multiple Dwelling Units. This Bylaw shall apply to the constructions of eight (8) or more dwelling units, whether on one or more contiguous parcels, and shall require a special permit from the Board of Appeals.

3. The provisions of Section 2.5.9.3(2) shall apply to the construction of eight (8) or more dwelling units on individual lots if said eight (8) or more lots held in single or common ownership.

4. To prevent the intentional segmentation of projects designated to avoid the requirements of this Bylaw, parcels held in single or common ownership and are

subsequently divided into eight (8) or more lots cannot later defeat the requirements of this Bylaw.

2.5.9.4 Mandatory Provision of Affordable Units

The SPGA, as a condition of approval of any development referred to in Sections 2.5.9.3, require that the applicant for special permit approval comply with the obligation to provide affordable housing pursuant to this Bylaw and more fully described in Section 2.5.9.5.

2.5.9.5 Provision of Affordable Units

The SPGA shall deny any application for a special permit for development if the Applicant for special permit approval does not comply, at a minimum, with the following requirements for affordable units:

1. The maximum housing cost for affordable units created under this Bylaw is as established by the Commonwealth's Division of Housing and Community Development or as revised by the Town.

2. One (1) in every eight (8) buildable lots in a division of land or one (1) in every eight (8) units in a multiple unit development subject to this Bylaw shall be established as AHU's in any one or combination of methods provided below. Fractions of a lot or dwelling unit will not be rounded up to the next whole number. For reference, the following schedule is provided for allocating affordable units given a particular range of total lots in a subdivision or total units in a multiple unit development. This schedule is given for reference:

Total Lots / Units	Affordable Lots / Units Established
8 to 15	1
16 to 23	2
24 to 31	3
32 to 39	4
40 to 47	5
48 to 55	6
56 to 63	7
64 to 71	8

and so on…

3. The AHU(s) shall be constructed or rehabilitated on the locus subject to the special permit.

4. The AHU(s) constructed or rehabilitated on a locus different than the one subject to the special permit (see Section 2.5.9.9).

5. an equivalent fees-in-lieu of payment and/or donation of land in fee simple may be made (See Section 2.5.9.12, below).

The applicant may offer, and the SPGA may accept, any combination of the Section 2.5.9.5.(3)-(5) requirements provided that in no event shall the total number of units or land area provided be less than the equivalent number or value of affordable units required by this Bylaw.

2.5.9.6 Provisions Applicable to AHU's On- and Off-Site

1. Siting of AHU's - All affordable units created under this Bylaw shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.

2. Minimum design and construction standards for affordable units – AHU's within market rate developments shall be integrated with the rest of the development, shall be externally undistinguishable from the market rate units and compatible construction and quality of materials with other units.

3. Timing of construction or provision of affordable units or lots. The SPGA will impose conditions on the special permit requiring construction of affordable housing according to a specified time table, so that, affordable housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:

Development Schedule:

MARKET-RATE UNIT (% BUILT)	AFFORDABLE HOUSING UNIT (% COMPLETED)
Up to 30%	None required
30% to 50%	At least 30%
50% to 75%	At least 75%
75% or more	100%

Fractional units will be rounded up to the nearest whole number. The actual development schedule for the availability of affordable units and/or the donation of land / fees-in-lieu will be detailed in the special permit decision rendered by the SPGA.

2.5.9.7 Local Preference

The SPGA shall require the applicant to comply with local preference requirements, if any, as established by the Board of Selectmen and/or the Bolton Affordable Housing Partnership.

2.5.9.8 Marketing Plan for Affordable Units

Applicants under this Bylaw shall submit a marketing plan or other method approved by the SPGA, to the SPGA for approval, which describes how the affordable units will be marketed to potential homebuyers. This plan shall include a description of the lottery or other process to be used for selecting buyers. The plan shall be in conformance to DHCD rules and regulations.

2.5.9.9 Provision of Affordable Housing Units Off-Site

As an alternative to the requirements of Section 2.5.9.5(2)-(3), and subject to the approval of the SPGA, an applicant subject to the Bylaw may develop, construct or otherwise provide affordable units equivalent to those required by Section 2.5.9.5(2)-(3) on an alternate site in the Town Of Bolton and approved by SPGA. All requirements of this Bylaw that apply to on-site provision of affordable units, shall apply to provision of off-site affordable units. In addition, the location of the off-site units to be provided shall be approved by the SPGA as an integral element of the special permit review and approval process.

2.5.9.10 Maximum Incomes and Selling Prices: Initial Sale

To ensure that only eligible households purchase AHU's, the purchaser of an affordable unit shall be required to submit copies of the last three years' federal and state income tax returns and certify, in writing and prior to transfer of title, to the developer of the housing units or his/her agent, and within thirty (30) days following transfer of title, to the Bolton Housing Authority or to another authority as determined by the SPGA, that his/her or their family's annual income level does not exceed the maximum level as established by the Commonwealth's Division of Housing and Community Development, and as may be revised from time to time.

The maximum price of the AHU'(s) created under this Bylaw is established by DHCD under the Local Initiative Program (LIP) guidelines in effect at the time the unit(s) is built.

2.5.9.11 Preservation of Affordability; Restrictions on Resale

Each affordable unit created in accordance with this Bylaw shall have the following limitations governing its resale. The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for affordable income households. The resale controls shall be established through a deed restriction, acceptable to DHCD, on the property, recorded at the Worcester County Registry of Deeds or the Land Court, and shall be in force for a period of ninety-nine (99) years.

1. AHU'(s) Resale Price: Sales beyond the initial sale to a qualified purchaser shall not exceed the maximum sales price as determined by the DHCD for affordability within the Town of Bolton at the time of resale.

2. Right of first refusal to purchase - The purchaser of an AHU developed as a result of this Bylaw shall agree to execute a deed rider prepared by the Town, granting, among other things, the Town of Bolton's right of first refusal for a period not less than one hundred and eighty (180) days to purchase the property or assignment thereof, in the event that, despite diligent efforts to sell the property, a subsequent qualified purchaser cannot be located.

3. The SPGA shall require, as a condition for special permit approval under this Bylaw, that the deeds to the AHU's contain a restriction that any subsequent renting or leasing of said AHU shall not exceed the maximum rental price as determined by the DHCD for affordability within the Town of Bolton.

4. The SPGA shall require, as a condition for special permit approval under this Bylaw, that the applicant comply with the mandatory set-asides and accompanying deed restrictions on affordability, including the execution of the deed rider noted in this Section 2.5.9.11. The Zoning Enforcement Officer shall not issue a building permit for any affordable unit until the deed restriction is recorded at the Worcester County Registry of Deeds or the Land Court.

5. The Bolton Housing Authority or other 501 (C)(3) fund as determined by the SPGA will be the authority that will monitor, oversee and administer the details for all resale of any affordable units created under this Bylaw.

2.5.9.12 Donation of Land and/or Fees-in-Lieu of Affordable Housing Unit Provision

As an alternative to the requirements of Section 2.5.9.5, and as allowed by law, an applicant may contribute a fee or land to the Bolton Affordable Housing Trust Fund or other 501(C)(3) fund as designated by the SPGA to be used for the development of affordable housing in-lieu of constructing and offering affordable units within the locus of the proposed development or off-site.

1. Calculation of fees-in-lieu of units. The applicant for development subject to this by-law may pay fees in lieu of the construction or provision of affordable units is determined to be $200,000 per unit. For example, if the applicant is required to construct two affordable income units, he/she may opt to pay $400,000 in lieu of constructing or providing the units.

2. Schedule of fees-in-lieu of payments. Fees in lieu of payments shall be paid according to the schedule set forth in Section 2.5.9.6(3) above.

3. An applicant may offer, and the SPGA, in concert with the Board of Selectmen, may accept, donations of land in fee simple, on or off-site, that the SPGA determines are suitable for the construction of affordable housing units concurrently or in the future. The value of donated land shall be equal to or greater than 115% of the construction or set-aside of affordable units.

   The SPGA shall require, prior to accepting land as satisfaction of the requirements of this by-law, that the applicant submit two (2) appraisals of the land in question (future values may be taken into account in this appraisal), as well as other data relevant to the determination of equivalent value. The applicant must also supply certified information that the land to be donated will support the required number of dwelling units per current Bolton Zoning Bylaws, Bolton Board of Health regulations and Bolton Conservation Commission requirements as of the date of transfer (i.e.; the land is buildable).