

APPENDIX B

9.3 CONSERVANCY DISTRICT.

9.3.1 Purpose. ~~The Conservancy District is intended for the following purposes:~~

- ~~1. The preservation and maintenance of groundwater quality and quantity;~~
- ~~2. The protection of watershed resources upon which the inhabitants depend for water supply;~~
- ~~3. For the enhancement of water quality by encouraging infiltration and percolation through natural soils;~~
- ~~4. To protect the public health and safety, persons and property against hazards of flood water inundation;~~
- ~~5. For the protection of the community against the costs which may be incurred when unsuitable development occurs in swamps, marshes, along watercourses, or in areas subject to floods;~~
- ~~6. To preserve and increase the amenities of the Town; and~~
- ~~7. To conserve natural conditions, wild life, and open spaces for the education, recreation and general welfare of the public.~~

9.3.2 Permitted Uses. ~~Only the following uses are permitted in the Conservancy District (Note: Construction or alteration in Conservancy District will usually also require application to the Hamilton Conservation Commission under the Wetlands Protection Act and the Hamilton Wetlands By law):~~

- ~~1. Conservation of water, plants, wildlife, and ponds;~~
- ~~2. Passive recreation activities which do not require paving, filling, or construction of facilities that may degrade water quality, including but not limited to nature study, walking, pond skating, canoeing, fishing, horseback riding, and hunting where otherwise legally permitted;~~
- ~~3. Agricultural uses, forestry, horticulture and floriculture including grazing of animals and harvesting of crops, provided that use of chemical fertilizers, pesticides or defoliants found by the Board of Health or the Conservation Commission to be inconsistent with the purposes of this Conservancy District may be regulated by said Boards. (Note: See also Board of Health Animal Regulations); and~~

~~4. Religious and educational uses on land owned or leased by the Commonwealth of Massachusetts, or its agencies, subdivisions or bodies politic, or by a religious sect or denomination, or by a non-profit educational corporation. (Note: Site Plan Review may be required. See Section 10.6.).~~

~~(Note: Construction or alteration in Conservancy District will usually also require application to the Hamilton Conservation Commission under the Wetlands Protection Act and the Hamilton Wetlands By-law.)~~

~~**9.3.3 Special Permit.** Subject to a special permit by the Zoning Board of Appeals under specified conditions as provided for in Section 10.5, and only when the Conservation Commission has reported to the Zoning Board of Appeals that such activities will not have adverse effects relating to water quality or recharge, upstream or downstream flooding and drainage, and water storage capacity in the Conservancy District, the following uses are permitted:~~

~~1. Nonresidential Buildings and Structures, such as boathouses, duckwalks and landings;~~

~~2. Stands for sale of produce raised on the premises, provided that any such Building or Structure permitted by the Zoning Board of Appeals shall be designed, placed and constructed to offer minimum obstruction to the flow of water and shall be firmly anchored to prevent floating away and thus threatening other buildings or blocking of openings in restricted sections of the watercourse below (Note: Special permit and site plan review required per Sections 10.5 and 10.6.);~~

~~3. Dams, changes in watercourses, or drainage works, only as part of an over-all drainage basin plan;~~

~~4. Uses, whether or not on the same parcel as activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production provided the Zoning Board of Appeals finds that the proposed use does not substantially derogate from the public good, and that the proposed use does not include impermeable ground cover in excess of 10% of the total lot area, or any storage of chemical substances which have the potential for degrading groundwater quality. (Site plan review under Section 10.6);~~

~~5. Wind Energy Facilities and Utility Scale Wind Energy Facilities, subject to the standards set forth in Section 7.3; and~~

~~6. When any land shown on the Zoning Map as being in the Conservancy District is proven to the satisfaction of the Zoning Board of Appeals, after reference of the proof to and report by the Conservation Commission, Planning Board and Board of Health, as being in fact not subject to flooding or not unsuitable because of drainage conditions for residential use, and that neither construction activities nor the use of such land for residence will interfere with the general purposes for which Conservancy Districts have been established, and will not be detrimental to the public health, safety or welfare, the~~

~~Zoning Board of Appeals may, by grant of a special permit, permit the use of such land for Single Family Dwellings under all the provisions of this By-law applying to the Residence District in which the land lies.~~

9.3.4 Prohibited Uses. ~~Except as provided, above, the following are prohibited in the Conservancy District:~~

- ~~1. Land filling and dumping of any natural or other materials;~~
- ~~2. Construction of Buildings or Structures;~~
- ~~3. Paving and other impermeable surfaces;~~
- ~~4. Construction of roads and driveways;~~
- ~~5. Permanent storage of materials or equipment;~~
- ~~6. Storage of chemical substances which may degrade water quality;~~
- ~~7. Commercial borrow operations;~~
- ~~8. Construction of dams, drainage systems and changes in watercourses which may speed drainage through or around a natural watershed, thereby reducing opportunities for water quality renovation by percolation or infiltration through soils; and~~
- ~~9. Alteration of terrain which may result in increased discharge of stormwater runoff into the District.~~

9.3.5 Reversion. ~~If for any reason the restrictions or requirements contained in this Section shall be or become invalid as to any land shown on the Zoning Map as being in the Conservancy District, then such land shall thereafter be subject to the regulation for the district in which the land lies.~~