SECTION 1 - ADMINISTRATION AND INTERPRETATION

1.1 Title

This By-Law shall be known as the Grafton Zoning By-Law.

1.2 Purpose

The Purpose of this Zoning By-Law (this "Zoning By-Law" or "By-Law") is to promote the health, safety, convenience, amenities, and general welfare of the inhabitants of the Town of Grafton, through encouraging the most appropriate use of the land as authorized by Article 89 of the Amendments to the Massachusetts Constitution (the Home Rule Amendment) and Chapter 40A of the General Laws with the following objectives:

To conserve health; to secure safety from fire, flood, panic and other dangers; to lessen congestion in the streets and ways; to provide adequate light and air; to prevent over crowding of land; to avoid any undue concentration of population; to recognize the need for housing for persons of all income levels; to facilitate the adequate provision of transportation, water, water supply, drainage, schools, parks, open space, and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most appropriate use of land throughout the town, including consideration of town plans and programs, and to preserve and increase amenities available to the citizens of Grafton.

1.3 Administration

1.3.1 Enforcement: The Inspector of Buildings shall be charged with the enforcement of this Zoning By-Law and shall withhold a permit for the construction, alteration or moving of any building or structure if the building or structure as constructed, altered or moved would, in any way, violate the provisions of this By-Law. No permits shall be granted for any new use of a building, structure or land if such use would be in violation of this By-Law.

1.3.1.1 Submittal - Applications for special permits, variances, and appeals must be filed with the Town Clerk. A copy of the application, including the date and time of filing certified by the Town Clerk, shall be filed forthwith by the applicant with the office of the special permit granting authority or Board of Appeals, as appropriate. (T.M. 10-17-88)

1.3.2 Zoning Permit

1.3.2.1. A Zoning Permit issued by the Inspector of Buildings shall be obtained before any building or structure is erected, structurally altered, or moved, as well as
for any change in use of any property or building, or when any earth is moved in preparation for any new or changed use. \

1.3.2.2 The Zoning Permit shall certify that the plans and intended use of the land, buildings, or structures are in conformity with the requirements of this By-Law. Nonetheless, the issuance of a zoning permit shall not in any way be considered a waiver of any requirement of this By-Law.

1.3.2.3 The Inspector of Buildings may issue a Zoning Permit without further review by the Planning Board for any use in any district that is designated by a "Y" in the Use Regulation Schedule (Section 3.2.3.1).

1.3.2.4 A Zoning Permit shall not be issued for any use, other than those specified in Section 1.3.2.3 until a Site Plan has been submitted to, reviewed and approved by the Planning Board in accordance with Section 1.3.3.

1.3.2.5 A Zoning Permit shall not be issued for any use designated as "S" in the Use Regulation Schedule until a special permit has been granted by the special permit granting authority in accordance with Section 1.5.

1.3.2.6 The Inspector of Buildings shall review all applications for zoning permits to ascertain whether the site is located within the Flood Plain District, and if it is, he shall refer such application to the Town Engineer for verification. If a special permit is required the Town Engineer shall notify the Planning Board and Inspector of Buildings in writing and refer said application and accompanying documents to the Planning Board for consideration under a special permit application. Under such circumstance, the burden of proving that the site falls outside the Flood Plain District is on the applicant.

1.3.2.7 The Inspector of Buildings shall send one (1) copy of any Zoning Permit issued to the Planning Board within five (5) days after issuance.

1.3.3 Site Plan Review

1.3.3.1 For the purpose of assuring proper drainage, screening, safe access, adequate parking and loading spaces, public convenience and safety, adequate consideration of abutting land owners and compliance with the provisions of this By-Law, a Site Plan shall be submitted as required by this By-Law for all uses other than (a) those specified in Section 1.3.2.3., and (b) those uses for which a Master Plan Approval has been issued by the Planning Board pursuant to the provisions of Section 9 of this Zoning By-Law, in which case, project plan approval shall be required as specified in Section 9.

1.3.3.2 Where a use is permitted upon issuance of a Special Permit, the Site Plan Review procedure shall be incorporated into the procedure used for dealing with applications for Special Permits. Such procedures are noted in Sections 1.3.3.3, 5.1, 5.2, 5.3, 6.4, 7.4.d-h and 8.1.2. (T.M.- 5/13/91).

1.3.3.3 All Applications for Site Plan Review shall be filed with the Planning Board and shall be accompanied by the following:

a.) Properly executed application form, and (if applicable) all materials necessary for facilitating a public hearing on the application;

b.) All required fees;

c.) A written description of the proposed use, signed by the applicant(s) and owner(s) of the property, which provides, at a minimum, the following details:

- the specific nature of the operations/activities that are proposed on the property;
- a description of all existing use(s) of the property, and an indication of whether or not such uses will continue with the proposed use(s);
- hours of operation of the proposed use(s) or activity;
- the maximum number of employees on the largest shift;
- shipping/receiving activity (including types of delivery vehicles, number/frequency of deliveries);
- use of any hazardous materials or substances in the operation of the proposed use;
- any potential for future changes to the building or use(s), such as increases in: the square footage of the building; the hours of operation and/or deliveries; the maximum number of employees; or any other significant changes to the proposed use(s) as presented by the current application;
- any other information or details that may not be specified herein or required to be shown on the plans, but, as determined by the Planning Board, is relevant due to the specific nature of the proposed use(s) or activity; and a
- list of any requested waivers from the requirements of Sections 1.3.3.3(d)-(f), including a detailed explanation/justification of the reason(s) for such request.

d.) A Site Plan prepared by a professional architect or registered professional engineer, at a scale of one inch equals forty feet (1" = 40'), or at such other scale as may be necessary to show all detail clearly and accurately. Sheet sizes shall not exceed twenty-four inches by thirty-six inches (24" x 36"), and shall not be less than eleven inches by seventeen inches (11" x 17"). If multiple sheets are used they shall be accompanied by an index sheet showing the entire parcel at an appropriate scale. If the plans submitted are 11" x 17" in size, a total of twenty-five (25) copies of the plans shall accompany the application. If the plans prepared exceed 11" x 17" in size, a total of five (5) copies of such plans and twenty (20) sets of reduced-size copies (11" x 17") shall be submitted. The Plan shall include the following information:

(1.) Name and address of the person(s) submitting the application;

(2.) Name and address of the owner(s) of the subject property(ies), if different;

(3.) Present use(s) of the land and description and use(s) of existing building(s) thereon, if any;

(4.) Proposed use(s) of the land;

(5.) Proposed use(s) of existing buildings, if any;

(6.) Description and proposed use(s) of the proposed building(s), if any;

(7.) Zoning District(s) in which the parcel is located, including floodplain if applicable;

(8.) Locus Map (scale of 1"=1,000') and north arrow;

(9.) Title Block containing: name of the project; applicant; property owner; property address and Assessor's Map/Lot number; date (with revisions); name, address and phone number, and the signature and seal of the professional architect or engineer preparing the plan;

(10.) Wetlands, Ponds, Streams, or other water bodies, including all applicable buffer zones;

(11.) Ownership of all abutting land and approximate location of buildings, driveways, and parking areas thereon within a maximum distance of two hundred feet (200′) of the property lines;

(12.) Existing and proposed topography at two-foot (2′) elevation intervals;

(13.) All property lines of the subject property, and all setbacks of buildings and parking areas from said lines, and existing and proposed easements, if any;

(14.) Extent and type of all existing and proposed surfaces (pervious and impervious) on the property, including specific materials;

(15.) Lot coverage calculations showing percentage of buildings, percentage of pavement, and percentage of open space/ landscaped areas;

(16.) Parking calculations for proposed use(s), including all existing use(s) that will continue to exist on the property, if applicable;

(17.) Calculations of the volume of earth material to be removed or filled on the property, and delineation of the location(s) of such activity;

(18.) Driveways and driveway openings/entrances;

(19.) Parking and loading spaces;

(20.) Service areas and all facilities for screening;

(21.) Landscaping;

(22.) Lighting;

(23.) Proposed signs (business, traffic, etc.);

(24.) Sewage, refuse and other waste disposal;

(25.) Stormwater management facilities (drainage);

(26.) All structures and buildings associated with the proposed and existing use(s) on the property;

(27.) Exterior storage areas and fences;

(28.) Utilities and their exterior appurtenances (e.g., fire connections);

(29.) Provisions for dust and erosion control;

(30.) Any existing vegetation;

(31.) Any other details or information deemed necessary by the Planning Board due to the unique nature of a proposed use or the subject property;

e.) A stormwater management hydrological study prepared in accordance with the *Rules and Regulations Governing the Subdivision of Land: Grafton, Massachusetts* (Sections 3.3.3.19 and 4.7.8).

f.) A report, if applicable, showing calculations of the volume of earth material to be removed from or delivered to the site, including a description of such removal or fill activity. Depending upon the volume of material to be removed or filled, the Planning Board may require the Applicant to submit additional information (if not submitted in the report) regarding, but not limited to, the following: the hours of fill/removal activity; proposed route(s) of transporting materials to and from the site; and measures for dust and erosion control (both on- and off-site) for the proposed activity.

g.) Written statements from the following:

(1.) The engineer and/or architect preparing the plans indicating that the building(s) and site have been designed to comply with the performance standards set forth in Section 4.1 of the Zoning By-Law.

(2.) The applicant(s) and owner(s) of the property indicating that the building(s) and site will be maintained, and the activities on the site will be conducted in accordance with, the performance standards set forth in Section 4.1 of the Zoning By-Law.

h.) Any other information, materials, reports or studies deemed necessary by the Planning Board, due to the special nature of the proposed use/activity or the subject property, to achieve the purposes set forth in Sections 1.2 and 1.3.3.1 of this By-Law

1.3.3.4 For all Site Plan Review Applications the Planning Board may, by an affirmative vote of at least 4 members (or 3 when less than 5 are eligible to vote on such application), one of whom may be the Associate Member when sitting in review of the application**,** authorize deviation from the requirements of Sections 1.3.3.3(d) - (f) provided such deviation is not, in the opinion of the Board, contradictory or inconsistent with the intent and purposes set forth in Sections 1.2 and 1.3.3.1 of this By-law. The Planning Board, in its decision, shall make specific findings justifying the granting or denying of any such requests.

1.3.3.5 Plan Acceptance: Failure by the Applicant to provide all information, items and materials deemed necessary by the Planning Board, other than those that have been specifically waived pursuant to Section 1.3.3.4, within a reasonable timeframe once notified by the Board or its agent of the necessity for such, shall be grounds for denial of the application.

1.3.3.6 Approval Procedure: Within four (4) business days after receiving a plan, the Planning Board shall submit one (1) copy of the site plan each to the Board of Selectmen, the Board of Health, the Conservation Commission, the Inspector of Buildings, the Town Engineer and the Sewer Commissioners requesting their comments. The Planning Board shall determine whether a public hearing shall be

held regarding the site plan. If the Board determines that there shall be a public hearing, it shall, within sixty-five (65) days from the receipt of the plan, hold a duly advertised public hearing. Within ninety (90) days after the date of the public hearing, the Planning Board shall determine whether the site plan complies with the purpose and provisions of this By-Law, and shall inform the Inspector of Buildings and the applicant in writing of its approval thereof, subject, if necessary, to reasonable conditions to assure protection of the public interest to a degree consistent with a reasonable use of the site, or its disapproval thereof.

1.3.3.7 At the applicant's written request to the Planning Board, it may extend the time period for approval to a mutually agreeable date. Failure of the Planning Board to act within ninety (90) days after the date of the public hearing or within the time mutually agreed upon, as the case may be, shall constitute approval of the site plan and the Town Clerk, upon receipt of evidence of such failure to act, shall so certify to the applicant. A building permit shall not be issued in a case requiring a site plan approval until the Planning Board shall have approved the site plan, with or without conditions, or the time period for approval has elapsed without action. (T.M. 10-17-88)

1.3.3.8 An approved site plan shall be valid for a period of two (2) years from the date of approval. All work proposed in the site plan or required by conditions to which the approval was subject must be completed within two (2) years from the date of approval of the site plan unless a longer period is expressly granted in writing at the time of site plan approval or at a later date should the applicant request an extension and the same is granted by the Planning Board.

1.3.3.9 All work shown on an approved site plan shall be completed and all related conditions of approval shall be satisfied prior to the issuance of an occupancy permit. If completion of such work and satisfying of such conditions is not possible prior to the issuance of an occupancy permit due to extenuating circumstances, the petitioner shall notify the Planning Board of all incomplete items and unsatisfied conditions prior to applying for said permit. Prior to the issuance of an occupancy permit, the Petitioner shall notify the Planning Board in writing as to the remaining items to be completed, if any, as well as the expected completion date of the work and if after inspection by the Planning Board designee, it is determined that work subject to Section 1.3.3 has not been completed in accordance with the approved plan(s) or any related conditions of approval have not been satisfied, the Planning Board may require the posting of a bond or other type of security deemed acceptable by the Board to assure compliance with the approved plan(s) and related conditions. The amount of the security shall be determined by the Board's designee at the expense of the individual seeking the occupancy permit, and shall be a multiple of one and one-half (1½) times the cost of completing any remaining improvements (either on- or off-site) and those costs required to satisfy any conditions placed upon the site plan approval. The Planning Board shall notify the Building Inspector in writing once the security has been properly posted with the Town. At the option of the Planning Board, the Planning Board designee may be the Building Inspector, Town Planner, or the Board's consulting engineer. The Planning Board may

waive the requirement of providing a performance security if it determines that completion of certain on- or off-site work and satisfying certain conditions of approval are integral aspects of a particular use for which an occupancy permit is sought.

1.3.3.10 The Planning Board may approve, upon request, minor changes to an approved site plan without receiving an application or conducting a public hearing provided such change is, in the opinion of the Board, not substantially different than presented in the materials and information used in making the original Site Plan decision. The Planning Board reserves the right to solicit comments from other Town boards, departments and committees, as well as its consulting engineer, in making determinations regarding such change(s). The Planning Board may, upon its determination, require a modification of the original Site Plan decision if it finds that the proposed changes are substantial in nature and/**or** of public concern, or substantially alter the plans and information used in making this Decision. The Planning Board, in considering such change(s), shall make specific findings justifying the granting or denying of any such request for minor modification. Any proposed change deemed substantial in nature shall require a modification of the original Site Plan application and decision**.** Any application for such modification shall be made pursuant to Section 1.3.3 of this By-law.

1.3.4 Building Permit

A building permit shall be issued for construction, alteration or moving of a building or structure which as constructed, altered or moved would be in conformance with this By-Law. No building or foundation permit shall be issued for any parcel of land not serviced by the municipal sewage disposal system until the applicant has obtained a Disposal Works Construction Permit or the Board of Health or its agent determines and informs the Inspector of Buildings that an existing sewerage disposal system is adequate for the proposed construction. The Inspector of Buildings may require the applicant to obtain a determination by the Board of Health as to the adequacy of the existing sewerage disposal system for any proposed alteration or addition to an existing residence or structure.

1.3.5 Occupancy Permit

No building erected, materially altered, relocated or in anyway changed as to construction or use under a permit or otherwise, and no land shall be occupied or used without an occupancy permit signed by the Inspector of Buildings. Said Permit shall not be issued until the building, and its use and accessory uses, and the use of all land comply in all respects with this Zoning By-Law.

1.3.6 Enforcement and Penalty

1.3.6.1 If the Inspector of Buildings is requested in writing to enforce the provisions of this By-Law against any person allegedly in violation of this By-Law and the Inspector of Buildings declines to act, he shall notify, in writing, the party requesting such enforcement of any action, or refusal to act, and the reasons therefore, within fourteen (14) days of receipt of such request.

1.3.6.2 Any person aggrieved by reason of his inability to obtain a permit or enforcement action from the Inspector of Buildings or other administrative officer under the provisions of this By-Law, or any person including an officer or board of the Town, aggrieved by an order of decision of the Inspector of Buildings, or other administrative officer, in violation of the provisions of Chapter 40A of the General Laws or any provision of this By-Law, may file an appeal in accordance with the provisions of Chapter 40A of the General Laws.

1.3.6.3 Whoever violates any provision of this By-Law shall be punished by a fine imposed by a Court of Law not exceeding one-hundred (100) dollars for each offense and each day that such a violation continues shall constitute a separate offense.

1.4 Zoning Board of Appeals

1.4.1 The Zoning Board of Appeals, constituted under Article 5 of the Warrant for the Town Meeting of April 25, 1956, Article 36 of the Warrant for the Town Meeting of March 9, 1970, and Article 51 of the Warrant for the Town Meeting of May 5, 1975, shall be the Zoning Board of Appeals for all purposes under this By-Law. Members of said Board shall be appointed by the Board of Selectmen and said appointment shall be made and shall operate in accordance with Chapter 40A of the General Laws of the Commonwealth of Massachusetts and any amendments thereto. The Zoning Board of Appeals shall consist of five registered voters of the Town. The Board of Selectmen shall also appoint two registered voters of the Town for a term of three (3) years to serve as associate members to act in the absence of regular members and at the expiration of each three (3) year term shall again appoint two (2) associate members for three (3) years. All members and associate members of the Zoning Board of Appeals shall serve without compensation.

1.4.2 Powers of the Zoning Board of Appeals:

a. To hear and decide appeals in accordance with Chapter 40A.

b. To hear and decide petitions for variances in accordance with Chapter 40A in all districts, subject to appropriate conditions and safeguards, including, but not limited to, calendar time period, extent of use, hours of operation, outdoor storage, lighting, parking or similar controls.

c. To hear and decide applications for expansion of non-conforming uses in accordance with the provisions of Section 3.4.3.5 of this By-Law.

d. To hear and decide applications for special permits in those circumstances where the board is empowered to act as Special Permit Granting Authority under the provisions of this By-Law.

1.4.3 In exercising the powers granted by Section 1.4.2 above, the Zoning Board of Appeals shall act in accordance with the provisions of Chapter 40A of the General Laws as well as this Zoning By-Law.

1.4.4 Any approval which has been granted by the Zoning Board of Appeals under the provisions of Section 1.4.2 (c) above shall lapse within two (2) years from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.

1.4.5 Any person aggrieved by a decision of the Zoning Board of Appeals may appeal to either the District Court, the Superior Court, or the Land Court, in accordance with section 17 of Chapter 40A of the General Laws.

1.4.6 The Zoning Board of Appeals shall adopt rules consistent with Chapter 40A of the General Laws and the provisions of this By-Law for the conduct of its business.

1.5 Special Permit Granting Authorities

The Special Permit Granting Authority for the Town of Grafton shall be allocated as follows:

1.5.1 Planning Board: Except as provided in Section 3.4.3.5, the Planning Board shall have the authority to grant special permits for all uses designated with the symbol "S" on the Use Regulation Schedule in Section 3.2.3.1 of this By-Law. These are the uses for which a special permit is required and for which plans and documents must be submitted in accordance with the requirements of Section 5.1. The Planning Board shall have the authority to issue special permits for major business, office and industrial complexes, for multiple family dwellings, for flexible development, for common driveways, and floodplain developments in accordance with the provisions of Section 4.3 (Major Business, Office and Industrial Complexes), Section 5.2 (Multi-Family Dwellings), Section 5.3 (Flexible Development), Section 5.9 (Common Driveways), Section 6.4 (Flood Plain Developments), Section 7 (Water Supply Protection By-Law) and Section 8 (Traffic Control) of this By-Law.

1.5.1.1 Fees:

a. Multi-Family Residential Uses. The filing fee for a special permit for multi-family uses shall be $250 plus $80/unit with a minimum of $550. For revisions of the plans, the fee shall be $100 plus $20/unit.

b. Commercial Uses. The base filing fee for a special permit for commercial uses shall be $250/lot and $6/parking space.

c. Industrial Uses. The base filing fee for a special permit for industrial uses shall be $250/lot and $6/parking space.

d. Site Plans. The filing fee for all site plans will be $100.

In addition to the application fees, and any fees required for reviews beyond the capabilities of the town (as described within this Section), applications shall be accompanied by a fee to cover the costs of the required legal advertisement in the local newspaper for the necessary public hearing. Such cost shall be in accordance with the current *Planning Board Fee Schedule* in effect at the time of submitting the application.

Plans determined to be incomplete and not accepted under Section 1.3.3.5, Plan Acceptance, of this By-Law shall forfeit their fee. A new fee is required with each submittal.

Under the circumstances where a filing fee is payable under this section and a fee is also payable under subdivision regulations, the higher fee shall be payable.

Any required review beyond the capabilities of the town must be paid for by the applicant; including, but not limited to, engineering, professional planning review, inspection of construction and sampling and testing. (T.M. 10-17-94)

1.5.1.2 Associate Member: In accordance with Chapter 40A, Section 9 of the General Laws of the Commonwealth of Massachusetts and its amendments, the Planning Board in conjunction with the Board of Selectmen shall appoint by majority vote a registered voter of the Town to serve as an Associate Member for a term of two years. The Chairman of the Planning Board may designate the associate to sit on the Board for purposes of action on a special permit application in case of absence, inability to act, or conflict of interest of a regular member, or a vacancy on the Board. The associate member may not act on issues other than special permits. (T.M. 5-14-90)

1.5.2 The Planning Board: The Planning Board shall also have the authority to grant special permits for signs in accordance with the provisions of section 4.4 of this By-Law.

1.5.3 The Zoning Board of Appeals: The Zoning Board of Appeals shall have the authority to grant special permits for non-conforming existing uses and their continuance and extension as provided for in Chapter 40A of the General Laws and in Section 1.4.2 of this By-Law.

1.5.4 Appeals: Any person aggrieved by a decision of the Planning Board or the Board of Selectmen or the Zoning Board of Appeals in exercising their powers to grant or deny special permits under this By-Law may appeal such decisions to either the District Court, the Superior Court, or the Land Court, in accordance with section 17 of Chapter 40A of the General Laws.

1.5.5 Conditions for Granting Special Permits: Special Permits may be granted only for uses which are in harmony with the general purpose and intent of this By-Law. The special permit granting authority shall deny an application for a special permit when it determines that a nuisance, hazard, or congestion will be created, or for any other reason there will be substantial harm to the neighborhood or a derogation from the general purpose and the intent of the By-Law, or where the special permit is determined not to be in the public interest, or that the stated district objectives or applicable use criteria will not be satisfied. The special permit granting authority shall make findings on which to base its determination on the specific issues of:

a. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.

b. Off-street parking and loading areas where required, with particular attention to the items in paragraph (a) above, and the economic, noise, glare, or odor effects of the special permit on adjoining properties and properties generally in the district.

c. Refuse collection or disposal and services areas, with particular reference to items in paragraphs (a) and (b) above.

d. Screening and buffering with reference to type, dimensions and character.

e. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.

f. Required yards and other open space; and

g. General compatibility with adjacent properties and other property in the district.

h. There will not be any significant adverse impact on any public or private water supply.

i. If the subject site is located within the Water Supply Protection Overlay District, there will not be any significant or cumulative impact upon municipal water supplies, and the Board shall give appropriate consideration to contamination by nitrate-nitrogen loading in making this determination.
(T.M. 10-28-86)

j. Protect important historic, cultural and scenic landscapes. (TM 10-18-99)

1.5.6 Review and Reports: When acting as Special Permit Granting Authority, the Planning Board, upon the receipt of any application for a special permit and the required plans and documents, shall file one copy with the Town Clerk, one copy each with the Board of Selectmen, the Board of Health, the Conservation Commission, the Inspector of Buildings, the Town Engineer, the Sewer Commission, the Police Department, the Fire Department, the School Department and the Board of Assessors for their review and recommendation. These boards and officers shall submit reports to the Planning Board within thirty-five (35) days of the receipt of the application and supporting documents from the Planning Board. Failure to report shall be deemed to be lack of opposition thereto. The Planning Board shall prepare written findings for any special permit application, whether granted or denied. These findings shall address, at a minimum, the issues listed in Section 1.5.5 above. Additional findings and determinations may be made if deemed appropriate by the Planning Board.

1.5.7 Public Hearing: Any special permit shall be acted upon only after a public hearing which must be held within sixty-five (65) days after the effective date of filing of a special permit application. The effective date of the filing is the date the application is filed with the special permit granting authority, and a copy shall be filed forthwith with the Town Clerk.

1.5.8 Period of Validity: Major Residential Special Permits which authorize the filing of a Definitive Plan shall be valid for a maximum of two (2) years, within which time an application for Definitive Plan, deemed complete pursuant to the Subdivision Regulations, shall be filed in accordance with all applicable regulations. All other special permits shall lapse one (1) year after the date of granting if substantial use, or construction, has not been commenced except in accordance with law. (T.M. 5-11-98)

1.5.9 Permits Granted before Zoning Changes: If a special permit or a building permit is issued before the publication of the first notice of a public hearing of a proposed zoning amendment, but is not then utilized by commencing construction within six (6) months and then proceeding as expeditiously as is reasonable, the building or special permit will lapse and a new permit will be required to conform to the amended By-Law.

1.6 Applicability

When the application of this By-Law imposes greater restrictions than those imposed by any other By-Laws, regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this By-Law shall control.

1.7 Separability

The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision herein.

1.8 Amendment

This By-Law may from time to time be changed by amendments, addition, or repeal by the Town Meeting in the manner provided in Chapter 40A of the General Laws, and any amendment therein.

1.9 Effective Date

Upon its effective date, this By-Law shall amend and be substituted for the existing Zoning By-Law of the Town of Grafton, but shall not affect such rights or duties that have matured, penalties that were incurred, proceedings that were begun or appointments made before its effective date, pursuant to the previously effective Zoning By-Law, except as otherwise provided by Chapter 40A of the General Laws.