Town of Peru Planning Board

Memorandum

To: Peru Residents
From: Planning Board
Subject: Zoning Amendment Package – Public Hearing
Date: November 24, 2026

Introduction
Over the past 18 months, the Planning Board worked with Berkshire Regional Planning Commission (BRPC) to review and evaluate the town's zoning bylaw. This effort identified multiple areas where the zoning bylaw could benefit from basic cleanup and reorganization of text, as well as missing components that would improve administration of the bylaw and clarify permitting steps. The purpose of this memorandum is to highlight this work and raise awareness of specific draft zoning amendments, ensuring residents have a chance to review them in advance of finalizing these drafts and starting the process for formal adoption. The amendments are split into two categories:

1) Reorganization of the existing bylaw – this effort has restructured sections of the bylaw, as well as create uniform formatting. There are no changes to the zoning bylaw, except for renumbering and movement of current text.
2) Development of new substantive zoning amendments – this effort includes several new sections that include:

    - Accessory Dwelling Units – this proposal creates a clear process for permitting accessory dwelling units, in compliance with state legislation passed in 2024. This process allows for one "by-right" accessory dwelling unit, provided it meets basic requirements, including compliant water/septic service. The bylaw and the state legislation do not override the need for adequate water/septic service.
    - Temporary Occupancy – this proposal creates a clear process for allowing seasonal temporary occupancy in a camper, travel trailer, or motor home. This section also includes a provision for situations where temporary occupancy is needed due to the construction of a new residence or the rehabilitation or reconstruction of a residence destroyed by a fire or natural disaster.
    - Manufactured Housing – this proposal provides clear language that a manufactured home (previously referred to as a mobile home) is an allowable use in town, as well as language that clearly allows the replacement of an aging manufactured home and the placement of new manufactured homes.
    - Residential-scale Battery Storage – this proposal allows for accessory battery storage systems to serve a residential property. This proposal does not relate to commercial-scale battery storage systems.
    - Zoning Board of Appeals – This proposed section merges the two existing Sections 11 and 12 of the zoning bylaw, with enhanced language that clarifies

expectations for application submissions, how projects should be evaluated, and authorizes the use of zoning variances with basic criteria for evaluating such requests.

- Short-term Rentals – this change will be relatively minor in the zoning bylaw, clearly making this use allowable in town. A general bylaw amendment is proposed in conjunction with the zoning amendment which covers registration and requirements largely administered by the Town Clerk and Select Board.

Copies of the items in relationship to #2 are attached to this memorandum, where the draft reorganization document is available separately.

Following the public hearing, the Planning Board must decide whether to advance the zoning amendments. The proposed amendments must be approved at a future Town Meeting by a two-thirds supermajority vote in order to be incorporated into the town's zoning bylaw.

Town of Peru Planning Board

Accessory Dwelling Units

For insertion in Section 3, Definitions, and numbered based on alphabetical order:

ACCESSORY DWELLING UNIT (or "ADU"): a residential living unit on the same parcel as a principal dwelling. The ADU provides complete independent living facilities for one or more persons. It may take various forms: a detached unit; a unit that is part of an accessory structure, or a unit that is part of an expanded or remodeled principal dwelling.
PRINCIPAL DWELLING: a structure that contains at least one dwelling unit.

For insertion in Section 4, Use Regulations, subsection 4.1, "Uses Permitted By Right":

Accessory Dwelling Unit, subject to Section 5, "Special Regulations".

For insertion in Section 5, Special Regulations.

5.4 ACCESSORY DWELLING UNITS

5.4.1. Purpose:

- **a)** Create more housing options for town residents.
- **b)** Provide homeowners with a separate space for family, companionship, security, or service providers.
- **c)** Maintain the single-family character of the town.
- **d)** Create options for those residents who wish to downsize and remain comfortably on their property.
- **e)** Provide homeowners with an opportunity to create supplemental income.

5.4.2. Applicability:

Notwithstanding any restrictions contained in Section 6:

- **a)** The creation of one ADU shall be authorized as of right, provided that the requirements listed in Section 5.4.B.ii are met. Additional ADUs on a single lot are prohibited.
- **b)** Accessory Dwelling Unit Requirements:
  - i. ADUs may not be in separate ownership from the principal dwelling.
  - ii. Maintain a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress.
  - iii. No ADU may be constructed without prior approvals of the Building Inspector and the Board of Health. The construction of the Accessory Dwelling Unit shall conform to all applicable standards in the State

Sanitary, Building, and other applicable codes required for a residential dwelling.

iv. The gross floor area of an ADU shall be no larger in floor area than 1/2 of the floor area of the principal dwelling or 900 square feet, whichever is smaller (stairwell access, porches, patios, shall not be included in the computation).

v. The siting of an ADU in an existing nonconforming primary or secondary structure shall be subject to a special permit under Section 7.

vi. ADUs will follow the rules for residential structures for setbacks, lot coverage, etc. conforming to Section 6.

vii. Short-term rentals are prohibited within an ADU.

Temporary Occupancy

For insertion in Section 3, Definitions, and numbered based on alphabetical order:

CAMPING TRAILERS, TRAVEL TRAILERS, AND MOTOR HOMES*:* A self-contained mobile unit supported on its own wheels or those of another vehicle designed to be used for travel, recreational and vacation uses, but not for permanent residence. Herein referred to as Camper/Trailers. Camper/Trailers shall not be considered permanent structures. This definition does not include Manufactured Homes.

TEMPORARY OCCUPANCY PERMIT: Permit issued by the Town through the Board of Health pursuant to Peru Board of Health Regulations.

For insertion in Section 5, Special Regulations:

5.6 Temporary Occupancy

5.6.1 Purpose.

To regulate the use of campers, travel trailers, and motor homes throughout the town of Peru. The specific intent, consistent with the general purpose of the Zoning Bylaw, is to maintain the appropriate use of camper, travel trailers, and motor homes by ensuring all necessary safety, environmental, sanitary and building code protections. This shall not include campers or trailers located in a licensed campground, mobile home or trailer park.

5.6.2 Requirements.

a) Camper, travel trailers, and motor homes are considered dwellings for temporary occupancy and are prohibited from year-round occupancy use or for business purposes. Occupancy shall only be permitted between June 1 to September 15, accept for situations outlined in number 6 below. A Temporary Occupancy Permit shall be required for occupancy in accordance with the Peru Board of Health Regulations.
b) All camper, travel trailers, and motor homes must meet state and local health and sanitary regulations.
c) All camper, travel trailers, and motor homes , whether stored or used for living purposes, must maintain mobility and be immediately movable. Camper, travel trailers, and motor homes are allowed to be stored on blocks as long as the wheels and tires remain immediately available and mountable.
d) All camper, travel trailers, and motor homes must meet the minimum setbacks established for all structures in Section 8, Intensity Regulations, whether occupied or stored.
e) The number of camper, travel trailers, and motor homes that can be stored or used as temporary dwellings by the property owner is limited to one (1).
f) Temporary Occupancy of campers, travel trailers, and motor homes, whether replacing a permanent residence that has been destroyed by fire or other natural disaster or constructing a new residence, is allowed as long as a proper building permit has been issued, the set-back requirements are met and the camper/trailer complies with the state sanitary code and Board of Health regulations. The owner of the residence in this situation may place a camper/trailer on the site and reside in such dwelling for a

period not to exceed twelve (12) months or as otherwise determined by the Board of Health as long as sanitary codes are met. The Owner is required to obtain a Temporary Occupancy Permit.

g) Camper, travel trailers, and motor homes are prohibited from being used as a storage facility or for purposes not originally intended in their manufacture.
h) Any violations of this section are enforceable by the Board of Health and/or the Building Inspector.

MANUFACTURED HOMES

For insertion in Section 3, Definitions, replacing the existing definition for "MOBILE HOME" and numbered based on alphabetical order:

MANUFACTURED HOME – A dwelling unit intended for full-time occupancy built on a chassis that contains complete electrical, plumbing and sanitary facilities and issued a HUD (U.S. Department of Housing and Urban Development) certification. This definition does not include dwellings known as Modular Homes, Panelized Homes or Pre-Cut Homes which must meet state and local building codes.

For insertion in Section 4, Use Regulations, subsection 4.1, "Uses Permitted By Right":

Manufactured home, subject to Section 5, "Special Regulations".

For insertion in Section 5, Special Regulations.

5.5 MANUFACTURED HOMES

5.5.1 Replacement of Pre-existing Manufactured Homes

Residents of pre-existing manufactured homes (also referred previously as "mobile homes") who intend to replace their dwelling with another manufactured home, shall meet the following criteria:

a) If the existing footprint is not in conformity with the setbacks set forth in Section 8, then the owner has the option to relocate on the existing footprint or move the location to meet the setback requirements.

b) The manufactured home shall not be more than 25% larger than the original dwelling.

c) Replacement manufactured homes must meet the location and performance requirements of (b) and obtain the necessary septic, water and building permits.

5.5.2 Location and Performance Requirements

a) Manufactured Homes must be fixed to the ground on a concrete slab or footing.

b) The Manufactured Home must be no more than 10 years old from the date of manufacture. This restriction may be waived by the Building Inspector if the applicant can demonstrate that the mobile home is in sound condition and meets current HUD requirements for safety and habitability.

c) Shared septic systems with abutters are not allowed.

5.5.3 Application Procedures

A site plan must be submitted to the Building Inspector that is prepared to scale, illustrating the location of the proposed Manufactured Home, distances to all property lines, existing and proposed structures, public and private roads and any other significant features.

Residential-scale battery energy storage systems

For insertion in Section 3, Definitions, and numbered based on alphabetical order:

RESIDENTIAL-SCALE BATTERY ENERGY STORAGE SYSTEMS: one or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time related to the residential use of property, not to include a stand-alone twelve volt automobile battery or an electric motor vehicle.

For insertion in Section 4, Use Regulations, subsection 4.1, "Uses Permitted By Right":

Residential-scale Battery Energy Storage Systems, subject to Section 5, "Special Regulations".

For insertion in Section 5, Special Regulations.

5.7 RESIDENTIAL-SCALE BATTERY ENERGY STORAGE SYSTEMS

a) Residential-scale battery energy storage systems (or " residential BESS") that are used to capture and store electricity for private residential use in conjunction with but not limited to ground-mounted solar, rooftop solar, electrical substations, other future sources of renewable energy, or directly from the grid are permitted by-right as an accessory use in accordance with the intensity and setback requirements of the zoning bylaw.
    a. Electric vehicles for the purposes of this ordinance are not considered battery energy storage systems and are not subject to the remediation plan requirement.
    b. Residential BESS shall have an aggregate energy capacity less than or equal to 30 kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.
    c. No residential BESS shall be altered, added to, installed, constructed or permitted unless the applicant has obtained a building permit from the Building Department (which includes the Electrical Inspector) and is in compliance with the requirements and conditions of the Fire Department and any other relevant departments as necessary to deem the structure safe and ready for use.
    d. Accessways shall be designed as to allow emergency vehicle access, public safety and convenience so as not to cause congestion within and about the site.
b) Such systems may be wall-mounted or housed within an attached garage or other dedicated-use building. If constructing a new structure to house a residential BESS, the dedicated-use building shall meet the minimum setback requirements for buildings, the Siting and Design Guidelines and any additional requirements set forth by the Building Department and the Fire Department where applicable.
    e. Residential BESS may be housed within a garage or other dedicated-use building so long as the garage or other dedicated-use building meets the minimum setback requirements as outlined in Section 8 of the zoning bylaw.
c) Commercial/industrial-scale battery energy storage systems and/or facilities shall not be permitted as an accessory use to a residential dwelling.
d) Enforcement of these standards and regulations is under the jurisdiction of the Building Department.

Town of Peru Planning Board

The following will replace Section 9 and 10 of the reorganized zoning bylaw and appear as a new Section 9, Zoning Board of Appeals. If successful, the existing chapters that following Chapter 10 will be renumbered to account for two existing chapters consolidated into one new chapter.

SECTION 11 Zoning Board of Appeals

11.1 SPECIAL PERMITS (existing language appears as "Section 12")

The Zoning Board of Appeals may hear and decide applications for special permits upon which such board is specifically authorized to act under the By-Law and M.G.L., Chapter 40A. Sections 9 and 10, and only for uses which are in harmony with the general intent of this By-Law subject to such conditions, safeguards and limitations necessary for the protection of neighborhood uses.

a) All application for special permits shall be reviewed by the Conservation Commission and the Board of Health. If these board do not respond within 30 days their approval is deemed to be granted.

b) Special permits shall only be issued following public hearing held in accordance with M.G.L., Chapter 40A.

c) A special permit shall lapse in two (2) years if a substantial use or construction has not begun under the permit by such date except for good cause.

d) Any application for a special permit shall be accompanied by such plans and information as may be reasonably required by the Zoning Board of Appeals or the Building Inspector in order that the proposal of the applicant may be clearly understood and compliance with the provisions, intent and purpose of this ordinance be established.

   A site plan or any portion thereof, involving engineering, architecture or land surveying, shall be prepared by a duly authorized engineer, architect, landscape architect or land surveyor. A site plan may be prepared on one or more sheets to show clearly the information required herein and to facilitate the review and approval of the plan. Every site plan shall include the name of the development, the name and address of the record owner or developer, north point, scale, date, all easements or rights-of-way provided for public services or utilities. It shall reserve a blank space in the upper right corner three (3) inches wide and five (5) inches high for the use of the approving authority. Site Plans shall be prepared to a scale of not smaller than one (1) inch equal one hundred (100) feet.

   Site plan submissions shall include the following materials, unless otherwise waived by the Zoning Board of Appeals:

   i. A key map at a scale of not less than one (1) inch to eight hundred (800) feet showing the relation of the subject property to adjoining properties, existing streets, roads and railroad rights-of-way within one thousand (1,000) feet of any part of the property.
   ii. A map indicating the uses of all property within two hundred (200) feet of the proposed site, including any subdivided lands, parks, or other open space or uses, residences,

business, industries, or other buildings or structures, such uses to be shown on a drawing to scale.

iii. Topographic map of the property at two (2) foot contour intervals, showing the existing and proposed grades and the location of natural features, such as streams, swamps, rock outcrops and major trees six (6) inches or more in diameter at a point four (4) feet above ground level.

iv. A site plan, indicating but not limited to the following:
   a. The proposed use or uses of land and buildings, and the proposed location, size and height of the building, including preliminary architectural drawings;
   b. The location and design of off-street parking and loading areas;
   c. All means of vehicular ingress and egress to and from the site onto public streets and the relationship to street circulation;
   d. Location and type of recreational facilities, if any;
   e. Location of all existing or proposed site improvements, including drains, culverts, retaining walls and fences; description of methods of water supply and sewage disposal, and location of such facilities; location of all proposed water lines, valves and hydrants;
   f. The proposed outdoor lighting, signs, screening and landscaping.

v. A detailed computation of total lot area, of building floor area for each type of proposed use, and lot coverage by all buildings.

vi. The proposed accessory use or uses of buildings, structures or land.

e) Special permits shall be granted only upon the Special Permit Granting Authority's written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this bylaw, the special permit granting authority shall make the following findings:
   i. The proposal is in compliance with all provisions and requirements of this bylaw, and in harmony with its general intent and purpose.
   ii. The proposal shall not impede traffic flow and safety, including parking and loading.
   iii. The proposal will not be detrimental to adjacent uses, the natural environment, or neighborhood character.
   iv. The proposal will not adversely alter stormwater drainage patterns or rates of flow on adjacent properties, or pose any risk of hazard to the public health, safety, or general welfare of adjacent properties or elsewhere in town.

11.2 VARIANCES

Pursuant to Massachusetts General Laws Chapter 40A, Section 10, the Zoning Board of Appeals shall, after a public hearing for which notice has been given by publication and posting as provided under section 11 and by mailing to all parties in interest, grant upon appeal or upon petition with respect to particular land or structures a variance from the terms of this bylaw if the Board specifically finds that a strict enforcement of the bylaw would result in a practical difficulty. In making its determination, the Zoning Board of Appeals shall weigh the benefits to the appellant or petitioner and to the public interest, including the interest in supporting the production of housing against the detriment to the public health, safety and welfare of the

neighborhood, and may also consider: (i) whether the practical difficulty relates to soil conditions, shape or topography of such land or structures; (ii) whether the strict enforcement would impose a financial hardship on the appellant or petitioner; (iii) whether the benefit sought by the appellant or petitioner can be achieved by some other method feasible for the appellant or petitioner to achieve; and (iv) whether the practical difficulty was self-created.

11.3 APPLICATION REQUIREMENTS

It is recommended that every appeal, variance, and special permit application be supported by a brief or written memorandum setting forth in detail all facts relied upon by the parties. This is particularly desirable in the case of a variance when the following points should be clearly identified and factually supported:

a) The particular use proposed for the land or building.
b) The conditions especially affecting the property for which a variance is sought that do not generally affect the zoning district in which it is located.
c) The facts that make up the substantial hardship.
d) The facts relied upon to support a finding that the relief sought will be desirable and without substantial detriment to the public good.
e) The facts relied upon to support a finding that the relief sought may be given without nullifying or substantially derogating from the intent or purpose of the zoning bylaw.
f) The facts relied upon to support a finding that the special conditions and circumstances do not result from the actions of the applicant.

Short Term Rental of Residential Property – Zoning

For insertion in Section 3, Definitions, and numbered based on alphabetical order:

SHORT-TERM RENTALS (STR): an owner-occupied, tenant-occupied or non-owner occupied residential property that is not a hotel, motel, lodging, or inn, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such. Short-term rentals are rentals of 31 consecutive days or less duration.

For insertion in Section 4, Use Regulations, subsection 4.1, "Uses Permitted By Right":

Short-term rental, subject to the provisions of the Town of Peru General Bylaw for the regulation of short-term rentals.

Short Term Rental of Residential Property – General Bylaw

1. Purpose. Short-term rentals (STRs) are allowed for residential properties in conformance with regulations that aim to balance private, neighborhood, and municipal interests by ensuring compliance with applicable Massachusetts General Law regarding Short Term Rentals and ensure observance of residential health and safety regulations.

2. Definition "Short-term rental", an owner-occupied, tenant-occupied or non-owner occupied residential property that is not a hotel, motel, lodging, or inn, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such. Short-term rentals are rentals of 31 consecutive days or less duration.

3. Registration and Regulations

3.1. Registration – All short-term rentals must register annually with the Peru Town Clerk. A registration fee may be required as determined by the Select Board. The following information must be provided:

a. Owner Name;

i. If owned by a Trust, Trustee and Beneficiary name and contact information in addition to a copy of the Trust;

ii. If owned by an LLC, the members of the LLC, contact information and a copy of the Articles of Organization and Bylaws.

b. Primary Manager name - the name and contact information of the local responsible party (required) who would respond in the event of any problem, complaint or emergency reported by a guest, Peru residents or Town government.

c. Booking Agent, if any (such as a Realtor).

d. Copy of Certificate of Registration with the Massachusetts Department of Revenue (DOR)

e. Applicants shall attest under the penalties of perjury that a dwelling unit or bedroom offered for short-term rentals shall comply with all state and local requirements for health and 67 safety and the Standards of Fitness for Human Habitation as stated in Massachusetts State Sanitary Code-Chapter II-105 CMR 410.000 by including at a minimum the following:

i. Compliance with residential smoke and CO detector law pursuant to M.G.L. c 148 s. 26F

ii. A fire extinguisher shall be mounted in (or near) kitchens used for the STR in a clearly visible location or if the unit offers no kitchen a fire extinguisher will be mounted in a location easily accessible to occupants.

f. Information regarding a septic system:

i. number of bedrooms rated under permit

ii. A private wastewater system pumping record within the past three years must be on record in the Peru Board of Health.

iii. A valid maintenance agreement on file if served by an Innovative/Alternative system.

g. Information regarding a well:

i. specify if a flow meter is in place.

ii. Well water used for drinking or cooking (potable) purposes must be tested prior to initial registration and every subsequent 5 years for attachment to the registration form to ensure that it is safe to use for personal consumption.

h. Number of off-street parking spaces provided.

4. Regulations

4.1 The following residential property is prohibited from being offered as a short-term rental:

a. Residential property owned by a corporation (other than an LLC);

b. Residential premises designated as affordable or otherwise income-restricted, which are subject to affordability covenants or are otherwise subject to housing or rental assistance under local, state, or federal programs or law, may not engage in short term rentals;

c. Units that meet the definition of "Professionally Managed Units" under M.G.L. Chapter 64G, Section 1;

d. An accessory dwelling unit, as defined in the Peru Zoning Bylaws.

4.2 A short-term rental is not allowed on any property with outstanding violations of the Building Code, Fire Code, Board of Health, Town General Bylaws, Zoning Bylaws, Planning Board regulations, or Conservation Commission regulations.

4.3 A short-term rental is required to have a local manager or responsible party who will respond with two (2) hours to any problem or complaint and within 30 minutes in an emergency; failure to do so may result in imposed fines.

4.4 Off-street parking on the property adequate to house all guest occupant vehicles for overnight parking is required.

4.5 Events that include tents or amplified music or which would customarily require a license or permit are not allowed.

4.6 Occupancy is limited to total legal occupancy per dwelling; if total occupancy is exceeded, fines may be applied on a daily basis until brought into compliance.

4.7 No advertising in any media shall exceed legal occupancy total; non-compliance shall result in fines levied on a daily basis until brought into compliance.

4.8 No commercial trash receptacle such as a dumpster may be maintained on the property to be used for regular trash pickup; trash removal must be limited to regular, weekly (or more frequent as needed) residential trash removal services or regular weekly trips to the Town transfer station. Trash removal shall be the responsibility of the owner/operator.

4.9 STRs may be subject to inspection by the Peru Board of Health, Fire Department, and/or Building Inspector.

4.9.1 Inspections may be scheduled in response to complaints by renters or by owners or tenants of neighboring properties. A complaint process shall be made available on the Town of Peru website.

4.9.2 Failure to provide updated contact information will be a failure to comply with this bylaw and may result in the refusal to allow registration renewal if there is a failure to respond after a reasonable attempt is made to contact the Operator/Owner, Booking Agent or Trustee.

4.9.3 Failure to provide access to properties for inspection or failure to comply with orders to correct deficiencies may result in fines or in the refusal to allow registration renewal. Appeals of these penalties may be made within ten business days to the Select Board.

4.10 In the event that there are three or more violations within a twelve-month period, the right to renew registration may be denied by vote of the Select Board.

5. Additional Requirements

5.1 The maximum occupancy shall be set at one (1) more than twice the number of bedrooms (e.g., five (5) for a two (2) bedroom unit). In addition to the dwelling's bedroom count as noted in the assessors' records, a space that meets the Title 5 definition of a bedroom may be used for occupants in the STR; provided, however, that in the case of STR properties serviced by a septic system, the maximum occupancy shall not exceed the capacity of the system. All septic systems must be Title 5 compliant and must be inspected and serviced as required by M.G.L. 310 CMR 15.000, with pumping at least once every three years. Evidence of Title 5 pumping within the past three years must be on file in the Peru Board of Health and filed with the application for a permit.

5.2 A dwelling unit or bedroom offered for STR use shall comply with all standards and regulations promulgated by the Peru Board of Health.

5.3 Commercial meetings and uses are prohibited in short-term rentals.

5.4 The Operator or booking agent of an STR shall keep either paper or electronic records that include the number of occupants present during each rental period. The records must be produced upon demand by the Peru Board of Health, the Select Board, or either Board's designee and such records must be maintained for two (2) years after the date of the rental.

6. Marketing Information

Each Town registration of a Short-Term Rental shall include a registration number. Any listing offering the STR for rent shall include the Town-issued registration number and the maximum occupancy allowed.

7. Adoption of Regulations

The Select Board and the Board of Health may adopt and amend regulations in furtherance of the implementation of this bylaw.

8. Penalties

If any Occupant, Operator or Owner violates any provision of this bylaw, the Owner or Operator may be subject to a civil penalty in accordance with the following:

• $100 1st Offense

• $200 2nd Offense

• $300 3rd Offense – and each subsequent offense

Each day that a violation exists constitutes a separate offense.

TOWN OF PERU



ZONING BY-LAWS

The Table of Contents is for informational purposes only and is not an approved section of the Town of Peru Zoning By-Law.

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ZONING BY-LAWS – TOWN OF PERU

Section 1 Purposes

Among the purposes of this zoning By-Law are: To promote the health, safety, convenience and general welfare of the present and future inhabitants of the Town of Peru: to protect and conserve the value of property within the Town: to conserve, insofar as possible, natural conditions, and to secure safety from fire, congestion, or confusion, by encouraging the most appropriate uses of land within the Town in accordance with the provisions of M.G.L., Chapter 40A.

Section 2 Zoning Districts

For the purpose of this By-Law, the Town of Peru is divided into the following districts in which the use, construction, alterations and locations of buildings, and the use of land is regulated to protect the public health, safety and welfare in accordance with Article 89 of the Constitution of the Commonwealth and Chapter 40A of the General laws and amendments thereto:

Base District:

The entire town shall constitute a single residential-agricultural zoning district.

Overlay District:

Large Solar Overlay District (LSOD)

The overlay district shall consist of the parcel located on Pierce Road (Map 30, Lot 2, Parcel ID: 233/030.0-0000-0002.0 and is defined and bounded as shown on a map entitled "Zoning Map of Peru, Massachusetts" dated September 24,2019, and on file in the office of the Town Clerk, said map and all explanatory matters thereon are hereby declared to be part of this By-Law.

Section 3 Definitions

For the purpose of this By-Law, the following words and terms as used herein shall have the meanings or limitations of meaning hereunder defined, explained, or assigned.

3.1 ACCESSORY USE OR STRUCTURE: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

3.2 BUILDING: A structure having a roof supported by columns, or walls, resting on its own foundations, and designed for the shelter, housing or enclosure of persons, animals, chattels or property of any kind.

3.3 BUILDING LOT: That area of land described in an application for a building permit or an application to the Board of Appeals for a permit or a variance or otherwise defined as the area on which a building or structure is to be constructed or a certain use is to be carried on. A building lot shall not include:
(a) Any part of a public way.
(b) A private way which is relied upon to qualify the lot as to frontage.
(c) An area under water more than six months per year.

3.4 DWELLING UNIT - ONE FAMILY: One or more rooms constituting a separate independent housekeeping establishment with cooking, living, and separate sleeping and

sanitary facilities for the use of one family.

3.5 DWELLING UNIT - TWO FAMILY: A residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families.

3.6 FAMILY: One or more persons occupying a single dwelling provided that if there be more than five (5) persons, the majority must be related to one another by blood, marriage, adoption, or are foster children.

3.7 HOME OCCUPATION: A business within a dwelling unit or accessory building carried on by a resident thereof as an accessory use, involving no undue traffic, noise or visible evidence of the business other than permitted signs and employing no help outside of the family, including but not limited to such uses as a professional office for a real estate broker, insurance broker or use for home food preparation, dressmaking and crafts, hairdressing or taking in boarders.

3.8 HOTEL, MOTEL, LODGING OR INN: A building or portion thereof, intended to be used for the temporary occupancy of persons who are lodged for a fee, with or without meals.

3.9 LARGE SCALE GROUND MOUNTED SOLAR PHOTOVOLTATIC SYSTEM : A solar system that is structurally mounted on the ground and is not roof mounted and has a minimum nameplate capacity of 250kw.

3.10 LOT: A clearly defined parcel of land of at least sufficient Size to meet the minimum zoning requirements for area, frontage, set-backs and other requirements under the By-Law.

3.11 LOT FRONTAGE: The distance along the street line (for corner lots to be measured along one street only), which provides direct access to the lot. Such distance must be contiguous along direct access to the lot. Such distance must be contiguous along the street for the frontage to qualify as access to the lot. The depth of any lot created after the effective date of this By-Law shall not be less than forty (40) feet at any one point along its frontage in order to qualify for frontage under this By-Law. A private street approved by the Planning Board under the Subdivision Control Law may provide frontage only for the lots which are contained within the approved subdivision.

3.12 MOBILE HOME: A movable or portable, completely enclosed structure designed for occupancy as a dwelling unit and built on a permanent chassis.

3.13 MUNICIPAL USE: Any use of land in accordance with the general laws governing municipal powers and functions including participation in regional uses.

3.14 RATED NAMEPLATE CAPACITY: The maximum rated output of electrical power production of the photovoltaic system as measured by Direct Current (DC).

3.15 SIGN: Any structure, part of a structure or device on a lot used for the purposes of visual communication which identifies or calls attention to any premises, person, product, activity, business, or use.

3.16 SMALL BUSINESS: A business use conducted on the same lot as the residence by the resident owner thereof employing only members of the owners immediate family and not more than four (4) persons outside the family.

3.17 STREET: A public way, or a way which is maintained and used as a public way, or a way approved by the Planning Board under the Subdivision Control Law.

3.18 STRUCTURE: Anything constructed or erected, including but not limited to underground pipelines and dams, at a fixed location to give support, provide shelter or satisfy other purposes.

3.19 TRAVEL TRAILERS: A moveable structure designed and intended for temporary living or recreation.

3.20 WIND ENERGY CONVERSION SYSTEMS

3.20.1 ABANDONMENT: the unexcused failure to operate the facility, except for repair, refurbishment, replacement or upgrading, for a consecutive period of six months or more.

3.20.2 WIND ENERGY CONVERSION SYSTEMS, GENERATING FACILITIES OR WINDMILLS:Thereinafter referred to as ""FACILITY": Erection, construction or alteration of facilities necessary for the provision of energy conversion or generation, including related transmission, distribution, collection, storage or supply systems whether underground, on the surface or overhead, and other equipment or byproducts in connection therewith and the sale of the energy produced thereby.

3.20.3 WIND TURBINE: The main structure of the facility and that, which captures the wind and converts it to electricity; the turbine includes the primary components of the foundation, tower, nacelle or hub, and blades.

3.20.4 INHABITED STRUCTURE: Any residential structure existing on the date that an application for a special permit hereunder is filed. Whether a residential structure existed on the date that a special permit application was filed may be proven by a valid occupancy permit, valid building permit, local tax record demonstrating the existence of a residential structure, or similar document evidencing a residential structure or take any other action relative thereto. *(Adopted 7/8/2013)*

3.21 WIRELESS COMMUNICATIONS

3.21.1 ALTERNATIVE TOWER STRUCTURE: Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

3.21.2 ACT: The Communications Act of 1934, as it has been amended from time to time, including the Telecommunications Act of 1996, and shall include future

amendments to the Communications Act of 1934 and 1996.

3.21.3 ANTENNA: Any structure or device used to collect or radiate electromagnetic waves.

3.21.4 CAMOUFLAGED ANTENNA: An antenna and support structure that is manufactured as to be modeled after and mimic a tree. The support pole would look like "bark" and the antennas would be concealed as "branches".

3.21.5 DISTANCE: shall be measured on a horizontal plane.

3.21.6 FCC:: The Federal Communications Commission.

3.21.7 HEIGHT:: The distance measured from ground level to the highest point on the structure.

3.21.8 LATTICE TOWER: A guyed or self-supporting three or four sided, open, and steel frame structure used to support telecommunications equipment.

3.21.9 MONOPOLE TOWER: A communication tower consisting of a single pole, constructed without guy wires and ground anchors.

3.21.10 NON-RESIDENTIAL STRUCTURE: Such structure as, but not limited to, buildings, grain silos and water towers, but does not include houses or apartments.

3.21.11 ROOF STRUCTURE: A wireless communication structure mounted on a roof of a building or the top of a water tower.

3.21.12 WIRELESS COMMUNICATION BUILDING: Any building or shelter used to house equipment primarily for the installation and operation of equipment for generating and detecting electromagnetic radiation, and is an accessory to a wireless communication structure.

3.21.13 WIRELESS COMMUNICATION DEVICE: Any antenna, appurtenance, wiring or equipment used in connection with the reception or transmission of electromagnetic radiation which is attached to a structure.

3.21.14 WIRELESS COMMUNICATION FACILITY: A general term to include wireless communication building, wireless communication device and wireless communication structure.



3.21.15 WIRELESS COMMUNICATION STRUCTURE: Any structure or tower intended to support equipment used for the transmission and reception of electromagnetic radiation, including the antennas, wiring or other devices attached to or mounted on a structure.

Section 4 Use Regulations

Except as provided by law, or in this By-Law, no Building, Structure, or land or part thereof shall be used for any purpose or in any manner other than one or more of the uses hereinafter set forth as permitted by right or as permissible by special permit and so authorized.

4.1 Uses Permitted By Right

(a) One-family dwelling or two-family dwelling.
(b) Use of land and structure for agricultural, horticultural, or floricultural purposes.
(c) Religious or educational uses on land owned or leased by the Commonwealth of Massachusetts or any of its agencies, subdivisions, or bodies politic; or by a religious sect or denomination; or by a non-profit educational corporation.
(d) Municipal or governmental use including educational facilities, parks, playgrounds, or other recreational facilities owned or operated by any agency of the Town of Peru.
(e) Accessory uses and structures customarily incidental to a principal permitted use on the same premises, provided the use does not materially alter the character of the premises including but not limited to the following:
  i. Private garages, sheds and such other buildings accessory to residential uses.
  ii. The display and sale by a resident of the premises at a roadside stand or otherwise, of natural products the major portion of which are produced on the premises.
  iii. Display of sign or signs as regulated in Section 8 of this By-Law.
(f) Home Occupation.
(g) A Large-Scale Ground Mounted Solar Photovoltaic System (LGSPS) sited in the Large Solar Overlay District (LSOD)

4.2 Uses Requiring Special Permit

The following uses can be permitted in the Town with a special permit issued by the Zoning Board of Appeals under the provisions of M.G.L., Chapter 40A:

(a) Small Business.
(b) Gravel, loam or stone storage or removal.
(c) Commercial dog kennel, veterinary hospital or riding stable.
(d) Proprietary private chartered educational institutions.
(e) Commercial saw mill, pallet shop, and construction contractor.
(f) Any store or sales room with up to 1500 square feet of floor area.
(g) Nursing Home, convalescent home, and day care facility.
(h) Bowling alley, ski tow, billboard room, dance hall, roller skating rink and similar commercial places of amusement.
(i) Airfield, airport, landing strip, and hangers.
(j) A dam which will impound more than one (1) million gallons of water.
(k) Campground or recreational vehicle park, as regulated under Section 8 of the State Sanitary Code.
(l) Hotel, motel, lodging or inn.
(m) Any other use determined by the said Board to be similar in character to one or more uses specifically authorized herein provided the Board finds that the proposed use is in harmony with the general purpose and intent of this By-Law and not offensive or detrimental to the neighborhood.

(n) A Large-Scale Ground Mounted Solar Photovoltaic System (LGSPS)

- **i.** Sited within the Large Solar Overlay District (LSOD) and occupying more than 1.5 acres;
- **ii.** Sited outside of the Large Solar Overlay District (LSOD)

(o) Wind Energy Conversion Systems

(p) Wireless Communication Facilities

4.3 Prohibited Uses

The following uses are expressly prohibited.

(a) Garbage and refuse incinerators, or the dumping of refuse matter on the premises, except in areas operated for that purpose by the Town of Peru or its approved contractors.

(b) Storage or treatment of ash, or other similar material resulting in the creation of dust.

(c) The accumulation of assorted items in a state of disrepair.

(d) Notwithstanding the provisions of this section, no use shall be permitted which would be offensive to the neighborhood because of injurious or obnoxious noise, vibration, smoke, gas fumes, odors, dust, or any other objectionable features or be hazardous to the community because of fire, explosion, traffic, or any other cause. No use shall be permitted which could prove injurious to the safety or welfare of the neighborhood, or destructive to property values, because of any excessive nuisance qualities.

Section 5 Special Regulations

5.1 Large Scale Ground Mounted Solar Photovoltaic Systems

5.1.1 Purpose

The purpose of this Section is to provide standards for the placement, design, construction, operation, monitoring, modification and removal of Large-Scale Ground-Mounted Solar Photovoltaic Systems that address public safety and minimize impacts on scenic, natural and historical resources. Such systems include:

- **i.** As of Right siting of large-Scale Ground Mounted Solar photovoltaic systems up to 1.5 acres in size within the Solar Photovoltaic Overlay District defined in Section 3.9 as allowed by Section 5.7.
- **ii.** Special Permit siting of Large-Scale Ground Mounted Solar photovoltaic systems outside the Solar Photovoltaic Overlay District defined in Section 3.9 and systems greater than 1.5 acres in size as allowed by section 6.

5.1.2 Applicability

This Section applies to large-scale ground-mounted solar photovoltaic systems proposed to be constructed after the effective date of this Section. This Section also pertains to physical modifications that materially alter the type, configuration, or size of these

systems or related equipment.

i. A LGSPS occupying up to 1.5 acres is allowed as-of-right within the Solar Photovoltaic Overlay District.

ii. A LGSPS located outside the Solar Photovoltaic Overlay District or located within the Solar Photovoltaic Overlay District and occupying greater than 1.5 acres require a special permit pursuant to Section 12.

The calculation of coverage area shall exclude required setbacks. The combined area of multiple systems (new or existing) on a single lot, or adjacent lots in common ownership shall be used to determine compliance with the 1.5-acre threshold. This Section shall not apply to ground mounted solar photovoltaic arrays with rated nameplate capacity up to SOkW, or to roof mounted solar arrays of any size.

5.1.3 Site Plan Review

Ground-mounted large scale solar photovoltaic systems shall undergo site plan review by the Site Plan Review Authority prior to construction, installation or modification as provided in this Section. For the purpose of this section of the Zoning Bylaw, the Zoning Board of Appeals shall be the Site Plan Review Authority.

5.1.4 General

All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts.

5.1.5 Required Documents

Pursuant to the site plan review process, the Project Proponent shall provide the following documents:

(a) A site plan showing:

i. Property lines and physical features, including roads, for the project site;

ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;

iii. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures

iv. One- or three-line electrical diagram detailing the solar photovoltaic system, associated components, and electrical interconnection methods, with all Massachusetts Electrical Code compliant disconnects and overcurrent devices;

v. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;

vi. Name, address, and contact information for proposed system installer;

vii. Name, address, phone number and signature of the Project Proponent;

viii. The name, contact information and signature of any agents representing the Project Proponent; and

(b) Documentation of actual or prospective access and control of the project site;

(c) An operation and maintenance plan;

(d) Proof of liability insurance and builder's risk insurance;

(e) A public outreach plan, including a project development timeline, which indicates how the project proponent will meet the required site plan review notification procedures and otherwise inform abutters and the community. The Site Plan Review Authority may waive documentary requirements as it deems appropriate.

5.1.6 Site Control

The Project Proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

5.1.7 Operations & Maintenance Plan

The Project Proponent shall submit a plan for the operation and maintenance of the large-scale ground-mounted solar photovoltaic system, which shall include measures for maintaining safe access to the system, storm water controls, as well as general procedures for operational maintenance of the system.

5.1.8 Utility Notification

No large scale ground mounted solar photovoltaic system shall be constructed until evidence has been given to the Site Plan Review Authority that the utility company that operates the electrical grid where the system is to be located has been informed of the solar photovoltaic system Project Proponent's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

5.1.9 Dimension and Density Requirements

Large - scale ground-mounted solar photovoltaic installation setbacks shall adhere to those specified by the Intensity Regulations in Section 8.

5.1.10 Design Standards

(a) Site Lighting

Lighting of solar photovoltaic systems shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of

the solar photovoltaic systems shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

(b) Signage

Signs on large scale ground-mounted solar photovoltaic systems shall comply with Section 10 of the By-Laws. Each sign shall be required to identify voltage and electrocution hazards as well as the owner and provide a 24- hour emergency contact phone number.

Solar photovoltaic systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.

(c) Utility Connections

Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

5.1.11 Safety and Environmental Standards

(a) Emergency Services

The large scale solar photovoltaic installation Project Proponent shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request the Project Proponent shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic insta1lation shall be clearly marked. The Project Proponent shall identify a responsible person for public inquiries throughout the life of the installation.

(b) Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large- scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.

5.1.12 Monitoring and Maintenance

(a) Solar Photovoltaic Installation Conditions

Project Proponent shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The Project Proponent shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s) unless accepted as a public way.

(b) Modifications

All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the Site Plan Review Authority.

5.1.13 Abandonment or Decommissioning

(a) Removal Requirements

Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned as described in Section_.14(e) below shall be removed. The Project Proponent shall physically remove the installation no more than 150 days after the date of discontinued operations. The Project Proponent shall notify the Site Plan Review Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

(b) Physical removal of all large- scale ground-mounted solar photovoltaic systems and structures, including below grade duct banks, raceways, equipment, security barriers and transmission lines from the site.

(c) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

(d) Stabilization, recovery or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

(e) Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when either it fails to be completed within a commercially reasonable time (such that power generation can commence), or it fails to operate for an elapsed time of more than one year without the written consent of the Site Plan Review Authority.

(f) Surety

The Site Plan Review Authority may, at its discretion, require the Project Proponent to post bond or other financial security with the Town Treasurer in an amount deemed sufficient toj cover the cost of demolition and removal of the large-scale ground-mounted solar photovoltaic installation in the event of abandonment or decommissioning, or to cover the cost of repairs to remedy site access or public safety hazards which are not corrected by the Project Proponent in a timely manner after written notification.

(Adopted at the Annual Town Meeting on March 9, 2005) (Approved by the Attorney General on April 11, 2010)

5.2 Wireless Communication Facilities

5.2.1 Purpose

The purpose of this by-law is to outline the special permitting process to site a wireless communication facility anywhere in the town of Peru while minimizing potential damage and adverse impacts of wireless communication facilities on adjacent properties, residential neighborhoods, and areas of historic or high scenic value; to allow the provision of necessary wireless communication services in an orderly way; and to promote shared use of existing facilities to reduce the need for new facilities.

5.2.2 Exemptions from this Bylaw

The following shall be exempt from this Bylaw:

(a) Wireless communication facilities used for Town or State emergency services

(b) Amateur radio towers used in compliance with the terms of any amateur radio service licensed by the Federal Communication Commission and used solely for that purpose.

(c) Wireless communication structures and devices used expressly for home television reception.

5.2.3 Application Process

(a) Application for a special permit for siting wireless communication facilities shall be filed in accordance with M.G .L. Chapter 40 A.

(b) Copies of the Special Permit Application shall be submitted along with the regular application form to the following: 1 copy to the Building Inspector, 1 copy to the Fire Chief, 2 copies to the Planning Board, and 5 copies to the Zoning Board of Appeals.

(c) Third Party Review: In certain instances, there may be need for expert review by a third party of the technical data submitted by an applicant. The Z.B.A. may require such technical review, to be paid for by the applicant. Review is intended to report on technical aspects of the proposed location but not to provide a Subjective review of the site requested. Review will address accuracy, completeness, applicability, and validity of the data submitted.

5.2.4 General Guidelines

(a) No wireless communication facility shall be erected, constructed or installed without a special permit.

(b) Alternative Town Structures and Camouflage Antennas shall be preferred over all other types of wireless communication structure and antennas as to minimize adverse impacts on abutting properties, residential neighborhoods, village centers, traveled ways and areas of historic or scenic value.

(c) Wherever feasible, wireless communication devices shall be located on existing

towers or other non-residential structures, minimizing proliferation of new towers.

(d) Wireless communication devices shall be built so that the structural integrity of the facility is able to accommodate devices operated by another carrier with little or no modification.

(e) Wireless communication buildings shall be no larger than 500 square feet and 12 feet high, and shall be designed to match other accessory buildings on the site, and shall be used only for the housing of equipment related to this particular site.

5.2.4 Siting and Height Requirements

(a) Setbacks

i. The minimum distance from the base of the wireless communication structure to any property line or road right-of-way shall be at least 1.5 times the height of the structure to ensure an adequate fall zone.

ii. The minimum distance from any guy wire, anchor or brace to any property line road right of way shall be equal to the length of the guy wire.

iii. The setbacks for the wireless communication building shall comply with the setback requirements for the zoning district.

iv. The wireless communication structure shall be a minimum distance of three times the height from school buildings, playgrounds, athletic fields, and abutting residences to prevent the structure from appearing to "tower" over, adversely affecting property values.

(b) The height of a Wireless Communication Structure shall be the minimum height necessary to accommodate anticipated and future use. No Tower shall exceed two-hundred (200) feet in height; provided, however, that the ZBA may increase that maximum if necessary to consolidate the siting of additional necessary Devices on an existing Structure, and if otherwise consistent with the other purposes of this section.

(c) The wireless communication structure shall, when possible, be sited off ridge lines and where their visual impact is the least detrimental to valuable historic and scenic areas.

(d) No new wireless communication structure shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the ZBA that no existing wireless communication structure can accommodate the applicant's proposed wireless communication device. Evidence submitted to demonstrate that no existing structure can accommodate the applicant's proposed device may consist of any of the following:

i. No existing wireless communication structures or non-residential structures are located within the geographic area required to meet the applicant's engineering requirements.

ii. Existing wireless communication structures or non-residential structures are

not of sufficient height to meet the applicant's requirements.

iii. Existing wireless communication structures or non-residential structures do not have sufficient structural strength or cannot be brought up to appropriate strength to support the proposed wireless communication device.

iv. The proposed wireless communication device would cause electromagnetic interference with the existing devices on the site, or the existing devices would cause interference with the proposed wireless communication device.

v. The fee, costs or contractual provisions required by the owner in order to share an existing structure for use are unreasonable as determined by the SPGA.

5.2.4 Design Requirements

(a) Wireless communication structures shall be designed to accommodate the maximum number of users as technologically possible.

(b) There shall be no signs or advertisements, except for no trespassing signs and a required sign giving a phone number where the responsible party can be reached on a 24 hour basis.

(c) All wireless communication devices shall be colored, molded and/or installed to blend into the structure and/or the landscape.

(d) The facility shall be fenced to control access to the tower structure, and accessory buildings. Fencing shall be between six (6') and eight feet (8') high. Fencing may be protective in nature, but shall not include a spun barbed wire design. A landscape buffer of evergreen shrubs or tree planting shall be provided on the outside of the fenced area. The shrub or tree planting shall mature to a minimum height equivalent to the fence height and be planted at a height of at least four feet (4').

(e) Night lighting of the facility shall be prohibited unless required by the FAA. If required by the FAA, a copy of the FAA permit requiring the lighting should be submitted with the application.

(f) There shall be a maximum of one parking space for each facility to be used in connection with maintenance of the site and not to be used for the storage of vehicles or other equipment.

(g) The project proponent shall be liable for the cost of maintaining the access road (unless accepted as a public way), the project sites, and the facility and for restoration of any damage occurring during construction or as a result of operation of the facility.

(h) Existing on-site vegetation shall be preserved to the maximum extent possible.

(i) Vegetative screening shall be used to screen abutting residential properties and roadways. Plants that fit in with the surrounding natural vegetation shall be used.

(j) No Tower or Personal Wireless Service Facility' or Repeater shall be located within any of the following areas:

i. Massachusetts or federally regulated wetland;

ii. A Massachusetts Certified Vernal pool;

iii. The habitat of any State listed Rare or Endangered Wildlife or Rare Plant Species;

iv. Within 100' horizontally from any Massachusetts regulated wetland;

v. Within 200' horizontally of the Outer Riparian Zone measured horizontally from any river or perennial stream;

vi. Within 500' horizontally from any Historic District or property listed or eligible to be listed on the state or federal Register of Historic Places; and,

vii. Within 500' horizontally from any archaeological site.

5.2.5 Items for Submittal

TO SITE A NEW WIRELESS COMMUNICATION STRUCTURE, the Applicant shall submit:

(a) Site plans and engineering plans prepared by a professional engineer, on 24" x 36" sheets at a scale of 1 "=40' or 1 "=200' where appropriate, on as many sheets as necessary to show the following:

i. North arrow, date, scale, seals) of the professional(s) who prepared plans and space for reviewing engineer's seal.

ii. Name and address of landowner and name and address of abutters. Property lines and location of permanent structures or buildings, within 500 foot radius of proposed wireless communication structure.

iii. Existing (from a topographical survey completed within two (2) years of application submittal date by a professional surveyor) and proposed contour lines at maximum of two-foot intervals and spot elevations at base of all the proposed and existing structures.

iv. Vegetation to be removed or altered

v. Plans for drainage or surface water and plans to control erosion and sedimentation both during construction and as a permanent measure.

vi. Delineation of wetlands, if any.

vii. Location of wireless communication structure, including supports or guy wires, if any.

viii. Plans for anchoring and supporting the structure, including specifications of hardware and all other building material.

ix. Plans for accessory buildings.

x. Layout and details of surfacing for access road and parking.

xi. Amenities such as lighting, fencing and landscaping.

xii. Plans for a well or other water source, if any.

xiii. Plans for septic system, if any.

xiv. Plans for maintenance of roads necessary to access and maintain the property.

xv. Four view lines in a one to three mile radius of the site beginning at True North and continuing clockwise at ninety degree intervals plus additional view lines from any historic, scenic, or other prominent areas of town as determined by the ZBA.

xvi. A draft of the contract between the structure/building owner (if applicable) and the applicant.

xvii. Demonstrate that the wireless communication structure or non-residential structure (if applicable) to which the device will be mounted has the structural integrity to support such device.

(b) A map showing the areas covered/served by the proposed wireless communication structure and device of different signal strengths, and the interface with adjacent service areas.

(c) A locus map at a scale of 1 "= 1 000' (or whatever is necessary to show where in town the proposed tower is sited) which shall show streets and landscape features.

(d) A description of the soil and surficial geology at the proposed site.

(e) A narrative report written by the carrier and professional which shall:

i. Describe the justification of proposed site.

ii. Describe the structure and the technical, economic and other reasons for the facility design

iii. Describe the capacity of the structure, including the number and type of additional facilities it can accommodate.

iv. Describe actions to be taken if electromagnetic radiation from the facility exceeds levels as designated by the Federal Communications Commission.

v. Describe the projected future needs of the carrier, and how the proposed wireless communication facilities fit with the future projections to serve the Town and adjacent towns.

vi. Describe leasing agreements should another carrier desire to co-locate.

vii. Describe special design features to minimize the visual impact of the proposed wireless communication facility.

(f) Proof of approval of all other necessary permits needed for construction and operation.

(g) After the application is submitted, and not less than 14 days or more than 21 days before the public hearing, the applicant shall arrange to fly a four-foot- diameter balloon at the site of the proposed wireless communication structure at the maximum height of the proposed installation, to photograph from various locations the balloon and then superimpose a tower at that height for visualization purposes. The date and location of the flight shall be advertised at least 14 days, but not more than 21 days before the flights, and again in the public hearing advertisement in a newspaper with a general circulation in the town.

To site a wireless communication device on existing wireless communication structures, or non-residential structures, such as buildings, grain silos, steeples, water towers or other non-residential structures, including on-location with another carrier, provided that the new use does not add to the height of the structure, the Applicant shall submit:

(a) Site plans and engineering plans, prepared by a professional engineer, on 24" x 36" sheets at a scale of 1" = 40' or 1 "=200' on as many sheets as necessary which shows the following:

i. North arrow, date, scale, the seals) of the professionals who prepared the plans and a space for the reviewing licensed engineer's seal.

ii. Plans for supporting and attaching the device including specifications of hardware and all other building material.

iii. Building plans for accessory buildings, if any.

iv. Layout and details of surfacing for access road and parking, if it is to be altered from existing condition.

(b) A map showing the areas covered by proposed device(s) of different signal strengths

and the interference with adjacent service areas.

(c) A locus map at a scale 1 "= 1 000' or larger if necessary, to show where in town the proposed device is sited, which shall show streets, buildings, and landscape features.

(d) A narrative report written by the carrier and professional engineer which shall:

i. Include a copy of the contract between the structure/building owner (whichever appropriate) and the Applicant

ii. Demonstrate that the wireless communication structure or non residential structure to which the device will be mounted has the structural integrity to support such device.

iii. Describe actions to be taken if electromagnetic radiation from the facility should exceed levels designated by the FCC.

iv. Describe the projected future needs of the carrier, and how the proposed facility fits with future projections.

v. Proof of approval of all other necessary permits needed for construction and operation.

(e) If the proposed facility adds more than five feet to the height of the structure at the effective date of this Bylaw, the ZBA may require a balloon test as describe above in 9.8.A.7.

5.2.6 Approval

(a) In granting a special permit for wireless communication facilities, in addition to the findings required by the Town's Zoning by-law for Special Permits the ZBA shall find:

i. That the applicant has demonstrated to the satisfaction of the SPGA that the requirements of the by-law have been met.

ii. That the size and height of the structure is the minimum necessary.

iii. That the proposed wireless communication facilities will not adversely impact historic structures or scenic views.

iv. That there are no feasible alternatives to the location of the proposed wireless communication facilities, including co-location, that would minimize their impact, and the applicant has exercised good faith in permitting future co-location of facilities at the site.

v. When considering an application for a wireless communication facility, the ZBA shall place great emphasis on the proximity of the facility to residential

dwellings, its impact on these residences and will encourage the use of existing structures.

vi. Any extension, or construction of new or replacement towers or transmitters shall be subject to an amendment to the special permit, following the same procedures as siting a new wireless communication device on an existing structure.

vii. Any special permit for wireless communication facilities will be reviewed every five (5) years. If after review, all conditions regulating said permit are in compliance, then the Special Permit will be renewed for an additional five (5) years.

5.2.7 Conditions of Use

(a) The applicant shall post an initial bond to cover construction costs and an annual maintenance bond to cover maintenance for the access road, site and structure (s) and to cover the removal of facility in the event of non-operation in an amount approved by the SPGA. An access road may include existing town roads not designed for heavy traffic.

(b) Regulatory Compliance:

i. Inspections will be conducted at least every 24 months or earlier if a more stringent compliance schedule is mandated by another agency, to assure continuing compliance.

ii. If the FCC or FAA regulations are changed, the owner or operator shall bring the facilities into compliance within six months or earlier if a more stringent compliance schedule is included in the regulation.

iii. Failure to comply with any regulations shall be grounds for removal of non-complying structures, buildings, devices at the owner's expense.

iv. If the device is moved lower on the structure and the top of the structure is no longer needed, then the non-operational part of the structure shall be removed within 120 days.

(c) Removal and Repair

i. An applicant must execute a covenant with the SPGA agreeing to remove within 180 days of notice from the town, the wireless communication facility not in operation for a period of 12 months, unless the reason for non-operation is the result of major damage.

ii. If the facility is not removed within 180 days, the town will remove said facility at the owner's expense.

iii. In the event of major damage, repair must begin within six months of damage.

Major damage shall mean damage to the facility caused by no fault of the owner or operator.

5.2.8 Fee Structure

The fee for filing an application with the Special Permit Granting Authority is $150.00. The applicant is responsible for the cost of mailing notification to all abutters and for the cost of the legal advertising.

(Adopted at the Annual Town Meeting on March 9, 2005) (Approved by the Attorney General on April 11, 2010) (Amended July 8, 2013)

5.3 WIND ENERGY CONVERSION SYSTEMS

5.3.1 Introduction.

The purpose of this by-law is to outline the special permitting process to site a wind energy conversion system, hereinafter referred to as facility, anywhere in the town of Peru while minimizing potential damage and adverse impacts of facility on adjacent properties, residential neighborhoods, and areas of historic or high scenic value; to allow the provision of wind energy conversion systems in an orderly way.

5.3.2 Application Process.

(a) Application for a special permit for a wind energy conversion system shall be filed in accordance with Town of Peru By-Laws.

(b) The above information shall be submitted along with the regular application form to the following: 1 copy to the Building Inspector, 1 copy to the Fire Chief, 2 copies to the Planning Board, and 5 copies to the Zoning Board.

(c) Third Party Review: In certain instances, there may be need for expert review by a third party of the technical data submitted by an applicant. The ZBA may require such technical review, to be paid for by the applicant. Review is intended to report on technical aspects of the proposed location but not to provide a subjective review of the site requested. Review will address accuracy, completeness, applicability, and validity of the data submitted.

5.3.3 Siting and Height Requirements.

**Note 5.33(a) was amended and adopted on June 6, 2015 at the Annual Town Meeting, Warrant Article #41 and was approved by the Attorney General August 5, 2015 – Case #7702*

(a) The hub height of the facility shall be less than 110' to the hub and have a blade clearance of Twenty Feet (20') from the ground. (*Amended June 6, 2015)*

(b) The Peru Zoning Board of Appeals shall require that any such facility be located at a distance of at least 1.5 times the height of the facility from any structure occupied by Humans and from all property lines. The Peru Zoning Board of Appeals shall waive the setback restriction from the property lines when the abutters of those affected properties so grant their permission. Said permission shall be in writing and recorded in the Registry of Deeds.

(c) The facilities shall be sited, where possible, so as to minimize visual impact consistent with economic viability.

5.3.4 Additional Design Requirements.

(a) Operational noise, as measured by the latest standards of the American National Standards Institute, shall not exceed 60 decibels for more than 15 minutes in anyone day when measured from an unobstructed distance from the inhabited structure, except for temporary construction or maintenance work, and shall not likewise exceed 40 decibels from 1,000 feet.

(b) There shall be no signs or advertisements, except for no trespassing signs and a required sign giving a phone number where the responsible party can be reached on a 24-hour basis.

(c) All wind energy conversion systems shall be colored, molded and/or installed to blend into the structure and/or the landscape.

(d) The SPGA shall be provided with an official determination by the Federal AviationAdministration *(FAA)* as to its lighting requirements and or markings.

(e) The project proponent shall be liable for the cost of maintaining the access road (unless accepted as a public way), the project sites, and the facility and for restoration of any damage occurring during construction or as a result of operation of the facility.

(f) Existing on-site vegetation shall be preserved to the maximum extent possible.

(g) Vegetative screening shall be used to screen abutting residential properties and roadways. Plants that fit in with the surrounding natural vegetation shall be used.

(h) The Project proponent may be required as a condition of the Special Permit to provide adequate evidence of financial ability, by security instrument or other mechanism reasonably satisfactory to the SPGA to insure compliance with all conditions in the special permits and to: remove the facility at the end of its useful life or earlier abandonment or to permit the Town to remove such facility at no cost to the Town in the event of the proponents failure to do so as set forth above.

5.3.5 Items for Submittal.

Wind energy conversion systems or generating facilities, or windmills (hereinafter referred to as facility) may be authorized by special permit issued by the Zoning Board of

Appeals. Application for a facility shall be filed in accordance with the rules and regulations already established in the Town's Bylaws and with the Zoning Board of Appeals.

In the case of a proposal for siting a new facility structure, the ZBA shall hold a public hearing within sixty-five days of filing of an application and shall issue a decision within ninety days following the close of the public hearing.

TO SITE WIND CONVERSION SYSTEM OR GENERATING FACILITIES, OR WINDMILLS, the Applicant shall submit:

(a) Site plans and engineering plans, prepared by a professional engineer licensed to practice in Massachusetts, on 24" x 36" sheets at a scale of 1"=40' or 1 "=200' where appropriate, on as many sheet as necessary which shows the following:

i. North arrow, date, scale, seal(s) of the licensed professional(s) who prepared plans and space for reviewing licensed engineer's seal.

ii. Name and address of landowner and name and address of abutters.

iii. Property lines and location of permanent structures or buildings, within 600-foot radius of proposed facility or generating facilities, or windmills structure.

iv. Existing (from a topographical survey completed within 2 years ofapplication submittal date by a professional surveyor licensed to practice in Massachusetts) and proposed contour lines at a maximum of 2-foot intervals and spot elevations at base of all the proposed and existing structures

v. Vegetation to be removed or altered.

vi. Plans for drainage of surface water and plans to control erosion and sedimentation both during construction and as a permanent measure.

vii. Delineation of wetland resource areas, if any.

viii. Location of facility structure, including supports if any.

ix. Plans for anchoring and supporting the structure, including specifications of hardware and all other building material.

x. Plans for accessory buildings.

xi. Layout and details of surfacing for access road and parking.

xii. Amenities such as lighting, fencing, and landscaping.

xiii. Four view lines in a one to three-mile radius of the site, beginning at True North and continuing clockwise at ninety-degree intervals, plus additional view lines from any historic, scenic, or other prominent area of Town determined by the Z.B.A.

xiv. Plans for a well or other water source, if any.

xv. Plans for septic system, if any.

xvi. Plans for maintenance of roads necessary to access and maintain the property.

xvii. Location of rare species or communities.

(b) A locus map at a scale 1"=1000' or larger if necessary, to show where in town the proposed facility is sited, which shall show streets, buildings, and landscape features.

(c) A description of the soil and surficial geology at the proposed site.

(d) A narrative report written by the carrier and licensed professional engineer which shall:

i. Describe the justification of proposed site.

ii. Describe the structure and the technical, economic, and other reasons for the facility design and location.

iii. Describe the capacity of the structure, including the number and type of additional facilities it can accommodate.

iv. Describe the projected future needs of the operator, and how the proposed facilities fit with future projections to serve the Town and adjacent towns.

v. Describe special design features to minimize the visual impact of the proposed facility.

vi. Describe how project will comply with Massachusetts Stormwater Policies.

(e) Proof of approval of all other necessary permits needed for construction and operation, other than the building permit, is required before the issue of the building permit.

(f) Written authorization or copy of contract from property owner of the proposed tower site.

(g) After the application is submitted, and not less than 14 days or more than 21 days before the public hearing, the applicant shall arrange to fly a 9-1/2 ft. balloon at the highest point and at each end of the array of the facility at the maximum blade tip height of the proposed structures. Photograph the balloons from sites determined appropriate by the ZBA. The date and location of the flight shall be advertised at least 14 days, but not more than 21 days before the flights, and again in the public hearing advertisement in a newspaper with a general circulation in the town at least five days prior to such flight.

5.3.6 Conditions of Use

(a) The applicant shall post an initial bond or other security to cover construction costs and an annual maintenance bond to cover maintenance for the access road, site, and structure(s) and to cover the removal of facility in the event of non-operation in an amount approved by the ZBA. An access road may include existing town roads not designed for heavy traffic.

(b) The project proponent shall be required to provide evidence of liability insurance against loss or damage to persons, including personal injury or death, and structures occasioned by failure of the facility.

(c) Regulatory Compliance: All energy conversion systems must meet or exceed current standards and regulations of the FAA, the FCC, the Environmental Protection

Agency, the American National Standards Institute, and any other agency of the federal government with the authority to regulate the facility.

i. Inspections will be conducted at least every 24 months or earlier if a more stringent compliance schedule is mandated by another agency, to assure continuing compliance.

ii. the facility shall be inspected by a licensed structural engineer who is regularly involved in the maintenance, inspection and/or erection of wind mills, demonstrating structural integrity and continuing compliance with current standards.

iii. a copy of such inspection records shall be filed with the Building Inspector and the Planning Board by the Special Permit Holder, and may be reviewed by a licensed professional engineer hired by the town and paid for by the Special Permit Holder.

iv. If the FAA or other agency regulations are changed, the owner or operator shall bring the facilities into compliance within six months or earlier if a more stringent compliance schedule is included in the regulation.

v. Failure to comply with any regulations shall be grounds for removal of non-complying structures, buildings, and devices at the owner's expense.

(d) The SPGA may impose such safety-related conditions, including but not limited to fences, gates, or signs as it deems reasonably necessary in the circumstances

(e) The SPGA may impose such conditions as it deems reasonably necessary to minimize or mitigate detrimental effects to the environment and community character;

(f) The SPGA may impose as a condition of any Facility special permit that the project proponent be required to mitigate any radio or television interference demonstrated to have resulted from the operation of the facility.

(g) Removal and Repair

i. An applicant must execute a covenant with the ZBA agreeing to remove, within 90 days of notice from the town, the energy conversion facility not in operation for a period of twelve months, unless the reason for non-operation is the result of major damage.

ii. If the facility is not removed within 90 days, the Town will remove said facility at the owner's expense.

iii. In the event of major damage, repair must begin within 30 days of damage. Major damage shall mean damage to the facility caused by no fault of the owner operator.

5.3.7 Fee Structure

(a) An application fee of $150.00 (used for legal publishing and notification requirements).

(b) Any additional fees as needed pertaining to special consultants specific to the Governing Authority or ZBA's need in reviewing information provided by the applicant.

Section 6 Intensity Regulations

Any Building or Structure used for dwelling purposes or housing a principal permitted use or accessory use, shall be so located as to meet the following requirements, except as specifically otherwise permitted in this By-Law.

6.1 The minimum lot area shall not be less than two (2) acres and the frontage not less than one-hundred fifty (150) feet.

6.2 The minimum set-back for any structure shall be sixty-five (65) feet from Public ways or Private ways pursuant to 3.3B of this By-Law and seventy-five (75) feet from State numbered highways to be measured from the center line of the travelled way. The minimum side-yard and rear-yard set-backs are twenty (20) feet.

6.3 No more than one residential structure (one or two-family dwelling unit) or principal building shall be located on a lot with the exception of structures used primarily for agriculture, horticulture or floriculture which are exempt from the provisions of this By- Law.

6.4 No lot, nor any Building or Structure thereon, shall be changed in size so as to violate lot area, frontage, set-back, or any other requirements of this By-Law.

6.5 Any Building used for residential purposes shall be located on a lot having a lot area of not less than two (2) acres for a one-family dwelling, or not less than four (4) acres for a two-family dwelling.

6.6 Lot frontages shall not be less than one-hundred fifty (150) feet for a one-family dwelling, or not less than three-hundred (300) feet for a two-family dwelling.

Section 7 Nonconforming Structures, Uses, and Lots

7.1 The provisions of this By-Law shall not apply to uses or structures lawfully in existence or lawfully begun at the effective date of this By-Law, nor to any alteration, reconstruction, extension, or structural change to a one-family or two-family dwelling as provided in M.G.L., Chapter 40A, Section 6.

7.2 If damaged or destroyed by fire or other catastrophe, any pre-existing nonconforming structure or uses may be rebuilt or reestablished within two (2) years from the date of such catastrophe.

7.3 Pre-existing nonconforming structures or uses may be extended or altered by special permit from the Zoning Board of Appeals, provided that the Board finds that such extention or alteration shall not be more detrimental to the neighborhood than the existing nonconforming use and shall not be in greater non-conformity with the area, set back, and other dimensional and intensity regulations in this By-Law.

7.4 A nonconforming use of land or structure which has been abandoned or not used for a consecutive period of two (2) years or more shall not be re-established, and any future use of such premises shall conform to the provisions of this By-Law.

Section 8 Sign Regulations

8.1 Permitted Signs

8.1.1 One sign, not exceeding three (3) square feet in area, and bearing only the names of residents and/or other identification of the premises.

8.1.2 One sign, not exceeding eight (8) square feet in area for a Home Occupation.

8.1.3 One sign for uses requiring special permit under Section 6 of this By-Law or other non-residential uses, not exceeding sixteen (16) square feet in area.

8.1.4 Commonly used warning signs (i.e., Beware of the Dog, No Trespassing), each not to exceed two (2) square feet.

8.1.5 Lettering on both sides shall be permitted.

8.2 Sign Restrictions

8.2.1 Signs shall not have any moving or flashing parts or noise-making devices.

8.2.2 Lighting of signs shall be by shaded white incandescent bulbs only, not to exceed one hundred watts for a one-sided sign or two hundred watts for a two-sided sign.

8.2.3 Signs shall not be more than eight (8) feet from ground level to the top of sign, whether attached to a building or free standing.

8.2.4 Free-standing signs may be located no less than forty (40) feet from the centerline of a numbered road and thirty (30) feet from the centerline of other Public ways except with a special permit from the Zoning Board of Appeals in cases where the Board finds that the requirements of that particular location dictate greater smaller setback.

8.2.5 No sign shall be located off the premises to which it applies, except that directional, informational, or identification signs may be permitted by the Board of Selectmen where the Board finds that such signs will serve the public convenience and not be detrimental to the neighborhood with respect to location, or design. The size of such a sign will not exceed six (6) inches high by thirty (30) inches wide and must be rectangular in shape.

8.2.6 Temporary signs which do not comply with this By-Law may be authorized by the Board of Selectmen for special events, such as an opening of a new business or announcing a public event sponsored by a civic, fraternal, social, or religious organization. The Board of Selectmen may at their discretion require the posting of a bond or cash deposit large enough to cover the cost of removal of temporary signs if such signs are not removed promptly after termination of the advertised event by the sponsors.

Section 9 Zoning Board of Appeals

There shall be a Zoning Board of Appeals as provided in M.G.L., Chapter 40A, Section 12. This Board shall consist of Five (5) members and two (2) associate members appointed by the Board of Selectmen as provided by M.G.L., Chapter 40A. It shall hear and decide appeals as provided in M.G.L., Chapter 40A, Section 8.

Section 10 Special Permits

The Zoning Board of Appeals may hear and decide applications for special permits upon which such board is specifically authorized to act under the By-Law and M.G.L., Chapter 40A. Sections 9 and 10, and only for uses which are in harmony with the general intent of this By-Law subject to such conditions, safeguards and limitations necessary for the protection of neighborhood uses.

10.1 All application for special permits shall be reviewed by the Conservation Commission and the Board of Health. If these board do not respond within 30 days their approval is deemed to be granted.

10.2 Special permits shall only be issued following public hearing held in accordance with M.G.L., Chapter 40A.

10.3 A special permit shall lapse in two (2) years if a substantial use or construction has not begun under the permit by such date except for good cause.

Section 11 Enforcement

This By-Law shall be enforced by the Inspector of Buildings appointed by the Board of Selectmen as provided in the State Building Code.

11.1 Construction or operation under a building or special permit shall conform to any subsequent amendment of this By-Law unless the permit is issued before the first publication of the required notice of public hearing by the Planning Board on such amendment, and the use or construction is commenced within a period of not more than six (6) months after the issuance of the permit, and in cases involving construction, such construction is continued through to completion as continuously and expeditiously as possible.

11.2 Whoever shall violate any provision of this By-Law or fail to comply with any of its requirements shall, upon conviction thereof, be fined not more than one hundred (100) dollars for each offense and each day such violation continues shall constitute a separate offense.

Section 12 Administration

12.1 The Inspector of Buildings shall issue no permit unless applications for permits required under this By-Law for Buildings or Structures of any kind for which plans and specifications and intended use are not in all ways in conformity with this By-Law.

12.2 No construction on a Building or Structure shall be commenced, or Building or Structure

moved, altered, or changed until a building permit for the proposed construction, moving alteration, or change shall be properly applied for and granted, except that permits shall not be required for repair or alteration which does not alter the exterior shape or dimensions of a Building and which does not change the use of the Building.

12.3 No building permit shall be granted for the construction, alteration, or relocation of any building or structure of a new or altered use of land in violation of this By-Law. When ever any building permit is refused the reason therefore shall be clearly stated in writing.

12.4 An application for a building permit shall be made by the landowner or his agent in the name(s) of the landowner in writing, on a form approved by the Board of Selectmen and shall be accompanied by two copies of a sketch showing the site and size and shape of the lot, the names of the landowners of record, and the location of existing streets and building or structures, the location and size of the septic tank and drainage field, and of the proposed Buildings, Structures, or additions thereto. Complete building and site plans shall be required for all Building and Structures. The Inspector of Buildings shall send one copy of the plot plan to the Board of Assessors.

12.5 A building permit shall become void unless construction, alteration or relocation is commenced within six (6) months of date of issue, and completed within three (3) years of the date of issue, unless such time shall have been extended by the Inspector of Buildings in writing. A condition of such extension of the three (3) year period may be by payment of an additional fee where the Inspector of Buildings is of the opinion that additional on-site inspections will be required by the Inspector of Buildings or other Town Officials.

12.6 A permanent record of applications herein referred to, and the action taken thereon shall be kept on file in the Town Offices.

12.7 The Inspector of Buildings shall issue the building permit only after he/she has viewed the premises and determined that the contemplated use, change, construction or alteration would not be in violation of the Peru By-Laws, and that the Inspector of Buildings has concurred with all code inspectors and the Conservation Commission, that all appropriate laws and regulations have been met. After issuance of the building permit, the Inspector of Buildings may make inspections while the work is in progress to ascertain that there is no violation of the said By-Laws as a result of any changes or deviations from the original permit. Occupancy by the owner, his agents, servants, tenants, leases or assigns shall not be permitted until the Inspector of Buildings has made final inspection to determine if the completed construction, alteration or changes in use conforms to the permit and is not in violation of the said By-Laws.

12.8 The fee required for a building permit and fee for the extension of time for which the construction is to be completed under the terms of the building permit shall be that established by the Selectmen.

12.9 Any person, officer, official, or board aggrieved by reason of his inability to obtain a permit, or by any order or decision of the Inspector of Buildings shall file his written appeal with the Town Clerk of Peru together with an appeal fee as after the order or decision causing the grievance or the refusal to issue such permit in accordance with M.G.L., Chapter 40A, Sections 8 and 15.

Section 13 Occupancy Permits

No Building or Structure hereafter erected, altered, or relocated, shall be used, and no change shall be made of any Building or Structure or of any premises and no water shall be impounded behind any dam designed to impound more than one million (1,000,000) gallons of water unless an occupancy permit has been granted by the Inspector of Buildings to the owner for occupancy of such premises, Building or Structure. Such permit shall not be granted unless the proposed use of the land or building complies in all respects with this By-Law and no use shall be made except the use authorized by such occupancy permit.

Section 14 Amendment and Validity

14.1 This By-Law may be amended from time to time at a town meeting in accordance with M. G. L., Chapter 40A.

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