

COMMUNITY DEVELOPMENT PLAN

Town of Peru

2004



Prepared By



This document was prepared with funding from the Massachusetts Executive Office of Environmental Affairs, Executive Office of Transportation and Construction, Department of Housing and Community Development, and Department of Economic Development.

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Introduction to the Community Development Plan Program



EXECUTIVE ORDER 418



Introduction

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Introduction to the Community Development Plan Program

On January 21, 2000, then Governor Paul Cellucci issued Executive Order 418, a measure designed to help communities plan for new opportunities while balancing economic development, transportation infrastructure improvements, and open space preservation.

Technical assistance and grants of up to \$30,000 were made available to assist communities in producing Community Development Plans. Community Development Plans are intended to provide guidance as cities and towns consider options and avenues for future development. The plans will focus on housing, economic and community development, transportation, and open space. The plan must also include strategies for how the community will develop housing that is affordable to families and individuals across a broad range of incomes.

The Town of Peru does not have a current comprehensive plan or Open Space and Recreation Plan. The Town participated in the Community Development Plan (CDP) program as an opportunity to consider issues related to future growth and development in the community. Specifically the Town's CDP was to focus on affordable housing opportunities and developing a local housing strategy, preparing amendments for a comprehensive zoning update, and drafting a road status map report. This planning effort also allows the town to prepare modernized Geographic Information System (GIS) data maps of the town's resources and land uses.

Peru is a unique community facing its own set of challenges, and the Plan documents these challenges. The Plan also contains recommendations from members of the community as to how to address the challenges in a manner consistent with maintaining the desired character of the community. The Community Development Plan is based on the most accurate and detailed information available by Federal, State, local and private resources, and is based on a vision set forth through community consensus.

Executive Summary

The Community Development Plan outlines the Town of Peru's concerns for growth and development into the future. The Peru CDP was developed as a result of an extensive community-based planning process to identify and document community development-related issues, needs and opportunities as it relates to the elements of the community Development Plan: housing, open space, economic development and transportation. The Town of Peru does not have a current comprehensive plan or Open Space and Recreation Plan. The Town participated in the Community Development Plan (CDP) program as an opportunity to consider issues related to future growth and development in the community. The CDP is supported by regional documents such as the Comprehensive Economic Development Strategy for Berkshire County, the Regional Plan for the Berkshires, Housatonic River Basin, 1997-1998 Water Quality Assessment Report, Stormwater Assessment in the Housatonic Watershed, and other regional planning documents. The elements of each of these plans are inter-related and define Peru's vision and community priorities to be pursued over a 3-5 year period.

Community Vision

Protect and Preserve the rural residential character of the town. By coordinating all public discussions concerning development, beneficial growth will be encouraged to build a more diversified tax base while detrimental growth will be discouraged. This will be accomplished through community supported action in the realm of regulation and investment, without needlessly infringing on individual liberties.

Community Findings

Fulfillment of the town's vision is dependent on sustainability through the provision of quality services, affordable housing, a diversified local economy and preservation of its natural assets. A more sustainable community includes a variety of housing options; a diversity of businesses, industries and institutions that are environmentally sound; financially viable; provide training, education and other forms of assistance to adjust to future needs.

The Peru CDP serves to highlight four key areas: Open Space, Housing, Economic Development and Transportation. Peru has not participated in comprehensive planning in the last several decades. The CDP offers the town the opportunity to express its collective vision and prepare planning documents to aid in the creation of updated zoning and subdivision regulations.

Open Space Element

The Town of Peru has a range of open space resources and recreational areas that contribute to the quality of life enjoyed by its residents. Residents of Peru take great pride in their town's environmental resources and beauty, and small town social fabric. Peru's extensive forested areas, mountainous topography, agricultural lands and wetlands lend the town a distinctly vibrant aesthetic and natural beauty that is treasured highly by residents. Residents wish to preserve and protect the character of the community while enhancing access to passive and active recreational opportunities.

- Preserve a variety of open space in Town including open fields, wooded areas, lakes and ponds, held both publicly and privately

- Preserve familiar vistas, roadsides, dirt roads, gateway areas and historic sites
- Encourage agricultural enterprises
- Develop and maintain opportunities for active and passive recreation and appreciation of nature and the environment for all

Housing Element

Residents of Peru wish to maintain the existing quality housing stock. The cost of housing in Peru is increasing slightly. If this trend continues low, moderate, and middle-income households may be priced out of the market. In order to maintain the Town's goals for affordable housing, the following actions are available to the town:

- Maintain local housing stock that provides quality housing for residents of all ages and incomes.
- Ensure that future housing opportunities and developments are consistent with the Town's unique character and existing infrastructure while preserving open space, agriculture and natural resources.
- Provide an appropriate mix of quality homeownership and rental opportunities with consideration of housing for persons of low, moderate and middle-incomes.

Economic Development Element

Residents of the town of Peru view natural, cultural and recreational attributes as vital to future economic development. The town wishes to see community support for local farm owners and self-employed residents, as well as finding alternative ways to diversify the local tax base. The following actions are recommended to promote economic development in the town of Peru:

- Support the preservation and growth of local enterprises, including home occupations.
- Support the retention of existing establishments and encourage limited growth of small-scale service oriented enterprises.
- Develop stronger economic link between local attractions and local enterprises without compromising character.

Transportation Element

Peru does not have access to any single, official documentation of the legal status of Town roads. Such documentation is crucial in issues of new development, as adequate frontage on an accepted town road is necessary for new construction, and disputes could lead to costly litigation. The Community Development Plan has collected documentation on the current status of all Town roads. If the Town views any inconsistencies or ambiguities in this map, clarifications and alterations could be incorporated and accepted by the town by adopting an "Official Map" based on this Status of Roads map. The Community Development Plan outlines the following transportation actions:

- Conduct formal review of the Community Development Plan Status of Roads map
- Hold a public forum, or a series of working meetings in Town to address potential action on roads where the official status is at question.
- Present the agreed-upon map of town roads at Town Meeting for adoption as the Official Map for the Town.

Community Setting



Community Setting

Community Setting

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Community Setting



Peru, located in central Berkshire County, is a small friendly rural hill town of 821 residents. It is 14 miles east of Pittsfield and 122 miles west of Boston. Incorporated in 1771 as Partridge field, its name was later changed to Peru. The town has the highest town center in the state.

More than half of the town is woodlands and much of this is owned by the state. Dorothy Frances Rice Wildlife Sanctuary is located on South Road. Peru is a community of small owner-operated businesses, zoned agricultural/residential and is a bedroom community for the mills in Dalton, Pittsfield, Springfield and West Springfield. A member of the Central Berkshire Regional School District, the grammar school children go to Hinsdale and the junior and senior high schools are located in Dalton.

At one time several sawmills, a small limestone quarry, and a cheese factory operated in town. These uses have long since disappeared and the town has reverted back to a traditional rural agricultural community. Unfortunately, Peru's has the unfortunate luck of having thin soil and early frosts which cuts the growing season. Today, Peru residents find employment in Dalton and Pittsfield.

Residents of Peru take great pride in their town's environmental resources and beauty, and small town social fabric. Peru's extensive forested areas, mountainous topography, agricultural lands and wetlands lend the town a distinctly vibrant aesthetic and natural beauty that is treasured highly by residents.

Open Space and Resource Protection



Open Space and Resource Protection

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Introduction to the Open Space Element



The Town of Peru has a range of open space resources and recreational areas that contribute to the quality of life enjoyed by its residents. Residents of Peru take great pride in their town's environmental resources and beauty, and small town social fabric. Peru's extensive forested areas, mountainous topography, agricultural lands and wetlands lend the town a distinctly vibrant aesthetic and natural beauty that is treasured highly by residents. Residents wish to preserve and protect the character of the community while enhancing access to passive and active recreational opportunities.

The purpose of this CDP section is to prepare an up to date natural resource suitability map and develop suggested bylaw amendments to improve and protect environmental resources.

Open Space Strategy

Background

The windswept village of Peru, the highest town in the state, is on a hilltop 2,225 feet above sea-level. The main road, Route 143, passes through some of the most beautiful scenery in Berkshire County. This route, once part of the state line from Boston to Albany, was formerly known as the “turnpike” (A Bicentennial History of Peru, 1771-1971).

Peru is a small quaint community for 821 residents. Homes are scattered throughout the community. The center, an isolated knoll rising above the valley, consists of a small white church, an even smaller white Town Hall, a schoolhouse formerly the “Peru Center School”. The nearly 400 acres that forms Ashmere Lake was once meadow land in Hinsdale and Peru. A dam was built in 1872 to flood the area. This lake is a scenic and recreational asset to both Hinsdale and Peru.

Land use in Peru consists primarily of forested and open space areas. Residential land has been increasing slowly. Since 1985 an additional 134 acres have been converted from forest land to residential land. Approximately, 12 acres have been developed annually in this same time period.

Table 1 - Land Use Change, 1985-1999

Land Use Category	1985	1999	Land Use Change
Agriculture	164.58	168.66	4.09
Commercial	12.93	12.93	0.00
Forest	15,544.46	15,409.60	-134.86
Industrial	-	-	0.00
Institutional	34.36	25.01	-9.35
Mining / Waste Disposal	4.57	3.91	-0.66
Recreation	22.64	30.14	7.50
Residential	453.44	621.92	168.48
Transportation	-	-	0.00
Vacant	151.10	94.56	-56.53
Water	53.35	91.50	38.15
Wetland	211.66	194.85	-16.81

Source: BRPC Land Use Survey, 1985-1999

Open Space Goals and Objectives

Fulfillment of Peru residents' future vision for the town is dependent on sustainability through the provision of quality services, affordable housing, preservation of its natural assets, a diversity of land uses, and a broad tax-base. Over the long term, the community will need to renew itself and create new opportunities. This can best be accomplished through a strategy of sustainable development.

One major element of sustainability is land and how it is used over time. Growth Management contributes to a sustainable community, which respects nature and provides social and economic opportunities for its citizens and its children. Sustainability is truly a challenge involving people, institutions, places and nature to be addressed at every level: globally, regionally and locally.

Residents of Peru take great pride in their town's environmental resources and beauty, and small town social fabric. Peru's extensive forested areas, mountainous topography, agricultural lands and wetlands lend the town a distinctly vibrant aesthetic and natural beauty that is treasured highly by residents. Residents wish to preserve and protect the character of the community while enhancing access to passive and active recreational opportunities.

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Recommendations

A prescriptive strategy can help to effectively guide and integrate appropriate new development within the existing context of Peru. This can be accomplished through:

- Identification of priority lands for voluntary protection.
- Regulatory protections aimed at preservation of outstanding natural assets.

On-going Actions

The Town of Peru is working to develop a comprehensive revision of their Zoning Bylaws, originally adopted in 1978. For nearly two years the Peru Planning Board has been working to clarify zoning definitions, outline the application process and clarify and expand the by right and special permit use regulations (see Appendix A.1). As part of the process, members of the Select Board and Conservation Commission as well as the Building Inspector have participated in the discussions. The intent of this initiative is to eliminate vague and confusing language, bring the Bylaws into compliance with Massachusetts General Law requirements and to protect the rural residential nature of the community.

The Zoning Review Committee held three working meetings on the proposed zoning amendments on May 17th, June 7th and June 21st at the Town Hall to allow the public to discuss the proposed changes. Copies of the proposed bylaw were made available at the

Town Hall prior to the meetings. Each meeting drew an average of 30 residents. The Planning anticipates bringing the zoning amendments forward to a special town meeting for a vote Fall 2004.

Housing



Housing

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Introduction to the Housing Element



This section examines the socio-economic trends in Peru and in the surrounding area of Berkshire County, which affect housing supply and demand. Planning to maintain an adequate supply of affordable housing while balancing concerns related to open space, natural resources, transportation, infrastructure, and community services is a challenging task. This section presents a strategy based on information and analysis on potential factors that may indicate areas of need and demand for affordable housing in town. The section concludes with a list of several actions that may address the town's specific concerns for housing that have been identified.

Several factors may indicate a potential concern for affordable housing and contribute to a town's ability to maintain housing that is affordable to residents of a wide range of incomes. Some of these factors are:

- Low supply of existing housing relative to the population.
- High costs of housing that are beyond the affordability of local residents.
- Lack of housing production
- Relative scarcity of land available for residential development
- High cost of land
- Higher production costs associated with marginal development sites
- Lack of available infrastructure
- Outdated zoning regulations and subdivision controls.

This section presents information and analysis on potential factors that may indicate areas of concern for affordable housing in Peru. The section ends with a list of several actions that may address the Town's specific concerns for housing that are identified.

Housing Strategy

Current Housing Stock Statistics

The following is a description of the current housing stock in Peru as reflected by the US 2000 Census. Below, the local “actual” Census data on housing type in Figure H-1 is presented with Figure H-2, which is “survey” data of housing occupancy gained from the US 2000 Census. The Census 2000 “actual” data in figure H-1 shows a housing stock of 371 total units, 78 percent of which are single-family homes (289 units), 18 percent are mobile homes (66 units), 12 units are RVs or vans, and 4 are attached single family homes. The 2000 Census recorded no multi-family homes or condo units.

Figure H-1: Current Housing Stock:

U.S. Census 2000	
Single Family Homes- unattached	289
Single Family Homes- attached	4
Condo Units	0
Multi-Family/Apt Units	0
Mobile Homes	66
Single Room Occupancy Units	0
RV / Van / Other	12
Total Housing Stock:	371

Source: US Census, 2000 DP-4

Figure H-2 shows the housing stock is 73 percent owner-occupied housing, 12 percent seasonal homes, 5 percent rental, and 10 percent vacant. The housing supply is increasing, and has increased by 5 percent, or 19 houses in the past 10 years. This increase has been mostly in owner occupied houses, which have increased 14 percent. Seasonal homes and rental houses have decreased by 41 percent and 27 percent respectively. Vacant housing units have more than doubled in the past 10 years.

Figure H-2: Housing Tenure

Housing Occupancy:	2000		1990		Percent Change 1990-2000
	Number	% of total	Number	% of total	
Seasonal	44	12%	74	21%	-41%
Owner-Occupied	276	73%	243	68%	14%
Rental-Occupied	19	5%	26	7%	-27%
Vacant	39	10%	16	4%	144%
Total Housing Stock:	378		359		5%
Homeowner Vacancy Rate	3.8 %		0.4 %		3.4%
Rental Vacancy Rate	5.0 %		10.3 %		-5.3%

Source: US Census Bureau, Census 2000 SF-3

*[*Tenure Totals are different from housing stock totals above because they use partial survey data.
2000 Vacancy rate is for all housing as reported by Census 2000]*

Chapter 40B Subsidized Housing Inventory

According to the Massachusetts DHCD Inventory of CH40B Subsidized Housing Inventory through April 27, 2002, zero (0) of the total year-round housing units counted were considered Chapter 40B Units. "Chapter 40B Units" are units considered affordable by low- and moderate-income households with long-term restrictions that ensure that it will continue to be affordable. Chapter 40B authorizes a housing agency or developer to obtain a single comprehensive permit for the construction of subsidized low- or moderate-income housing. If a community in which less than 10% of its total year-round housing stock is subsidized low- or moderate-income housing denies a comprehensive permit, or imposes conditions that make the project un-economic, the developer may appeal to the state Housing Appeals Committee for review of the local action.

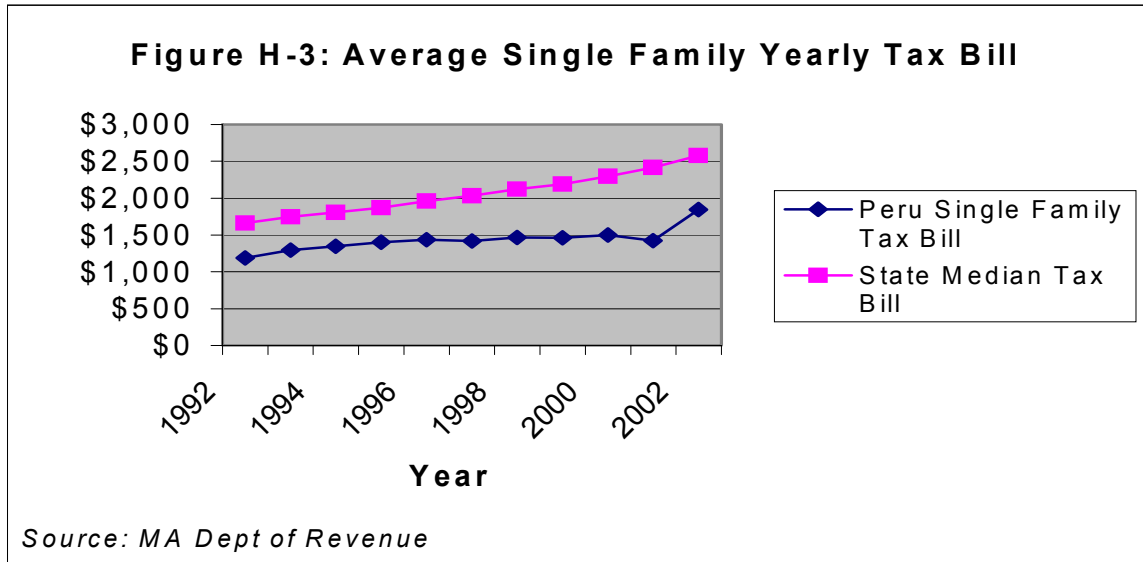
Units Included are the following: subsidized affordable units; market-rate rental units within eligible subsidized developments (All rental units in developments with over 25% of total units subsidized with restricted occupancy to individuals and families under 80% of the median). Units NOT included are the following: Units rented with Section 8 or MRVP mobile vouchers. According to Berkshire Housing, there are two families receiving section 8 housing subsidy vouchers in Town.

EO418 Affordable Housing Certification

The Town of Peru has not applied to receive EO418 Housing Certification in any of the past three years. The Town may request certification for fiscal year 2004 through June of 2005. Certification gives the town preferential status when applying for any of the \$45 million in grant opportunities available yearly by the State.

Property Values

The Massachusetts Department of Revenue holds a wealth of detailed data on property values for single family homes in all municipalities, including Peru. The most recent property value information provided by the Department is from 2002. The Massachusetts Department of Revenue lists 295 taxable single-family parcels in Peru for FY 2002. The total assessed value of these parcels was \$30,550,500, which is an average value of \$103,561. The tax rate for all residential property in Peru in 2002 was \$17.83. The rate was high compared to the average rate of \$12.67 for Berkshire County Towns as well as the state median, which is shown in Figure H-3. The average single-family tax bill in 2002 was \$1,846, which was a 30 percent increase from the average single-family tax bill in 2001, which was \$1,424. The increase came from a combination of an increase in assessment and an increased tax rate in 2002. The Statewide median average single-family tax bill for 2002 was \$2,583.



Assessed Value vs. Market Value

Assessed values attempt to reflect actual market values of property. If housing prices rise or fall dramatically in a short period of time, changes in housing assessments may be necessary and may signal fluctuations in the housing market. The average assessed value of single-family homes increased steadily through the late 1990's and early 2000's. The average and median sales prices of local homes has consistently been higher than the average assessed values (Table H-4). In 2002, there were 11 sales, which was higher than the average of 8 for the past five years. Figures H-4 and H-5 demonstrate that homes currently on the market are largely low to moderate homes, and that new housing is built at moderate average prices for the Town.

Figure H-4: Annual Single Family Home Statistics

Year	Average Assessed Value	Average Sales Price	Median Sales Price	Total Number of Sales
1999	84,007	\$128,068	-	27
2000	85,206	\$130,000	-	17
2001	86,149	\$101,566	\$119,500	6
2002	103,561	\$127,853	\$109,900	10
2003		\$140,211	\$140,000	9
Source: the Warren Group Sales Records: December, 2003				

Figure H-5: Home Sales By Price, (1999-2003)

Less Than \$100,000	\$100-\$250,000	Over \$250,000
41	24	3
Source: The Warren Group Sales Records, December 2003		

Rental Housing

The number of rental units in Peru has decreased slightly from 1990 to 2000 from 26 to 19. The median contract rents increased from \$344 in 1990 to \$375 in 2000. This 9 percent increase was less than the 36 percent increase in Berkshire County median rents during this time period. The 2000 median contract rents for Peru units was slightly lower than the Berkshire County median, which was \$428.

Local Educational Expenditures

Each year, the Department of Education reports community educational expenditures. The Net Average Membership Pupils is the number of students residing in Town, averaged over the entire year. The number includes pupils from the Town enrolled in local and regional schools, and those being tuitioned to out-of-town schools. The number does not include non-residents. Cost per pupil is based on the DOE integrated operating costs. The DOE integrated operating cost is one of the most widely accepted measures for comparing educational spending among communities. It reflects the community's share of regional school spending as well as that of its own local schools. The figure does not include capital outlay and construction costs. The following chart shows the total number of membership pupils, and calculated operational costs per pupil for the Town from 1997-2002. It also includes school expenditures as a percentage of all town expenditures from the general fund on government operational costs excluding capital outlay and construction costs.

Figure H-6: Educational Expenditures 1995-2000

Year	Net Avg. Membership Pupils	Education spending as % of all Town expenditures	Cost Per Pupil	Peru Educational Spending Per Capita
1997	185.70	61.57	\$5,943	\$1,074
1998	202.10	63.95	\$6,173	\$1,144
1999	204.60	64.66	\$6,557	\$1,279
2000	188.00	63.68	\$7,076	\$1,101
2001	183.60	62.85	\$7,680	\$1,200
2002	-	57.72	-	\$1,302

Source: Massachusetts Department of Revenue, 2002

In 2001, the cost per pupil was \$7,680, which was lower than the state average of \$7,874. In 2001, 62.85% of town expenditures were for educational purposes, which was high in relation to the countywide average of 46.75% educational spending. The DOR lists the Town's 2001 per-capita spending on education to be \$1,200, which was lower than the state average per-capita figure of \$2,099.

Current Development Patterns, Practices and Available Land

Development Patterns

The town of Peru is a heavily forested hilltown located high on the Berkshire Plateau on the eastern edge of central Berkshire County. Peru is a rural residential community with very little commercial development. The town does not have a well-defined village center. Most of the residential development in the town has been single-family houses on large lots along existing roadways.

From 1980 to 1998, the number of residential units increased by approximately 36% (US Census). During the early 1990's, the town issued a total of 6 new residential building permits over the five-year period. Peru experienced a minor surge in new housing in the late 1990's, as 25 new homes were built from 1995-1999. However, only one building permit was issued in 2001, and since 2000, only 2 new houses have been built in Peru. The average value of new homes for the years 1995 to 2000 is \$120,000, which is higher than the assessed value of existing homes. Figure H-7 demonstrates that the average new home construction values rose sharply from 1999 to 2000 while the average assessed value remained relatively low.

Figure H-7: New Construction Values 95-02

Year	Total Single-Family Units Built⁽²⁾	Avg Existing Home Value	Avg New Home Value
1995	2	-	\$100,000
1996	6	-	\$60,000
1997	5	-	\$60,000
1998	6	\$79,056	\$60,000
1999	6	\$84,007	\$60,000
2000	1	\$85,206	\$250,000
2001	1	\$86,149	\$250,000
2002	N/A	\$103,561	N/A

Sources: ⁽¹⁾ [State Data Center Annual New Construction Reports](#)

⁽²⁾ SOCDS Building Permits DataBase, Town Assessor

Utilities

Peru is a remote town with little public infrastructure. The town has no municipal water and sewer systems, as all housing units must provide on-site disposal. The town is also without gas service. Western Massachusetts Electric Company provides electricity service for the Town. Trash disposal is done at the Town Transfer station.

Local Zoning Provisions

The entire town of Peru consists of one zoning district, the Residential/Agricultural District. Single-family and dual-family dwellings are permitted by right although there has been no two-family development in the last ten years. The minimum lot size is two acres for single-family development and four acres for two-family. The minimum subdivision right-of-way width used to calculate additional new roadways at buildout is 50 feet. Light commercial development is allowed by special permit from the Zoning Board of Appeals.

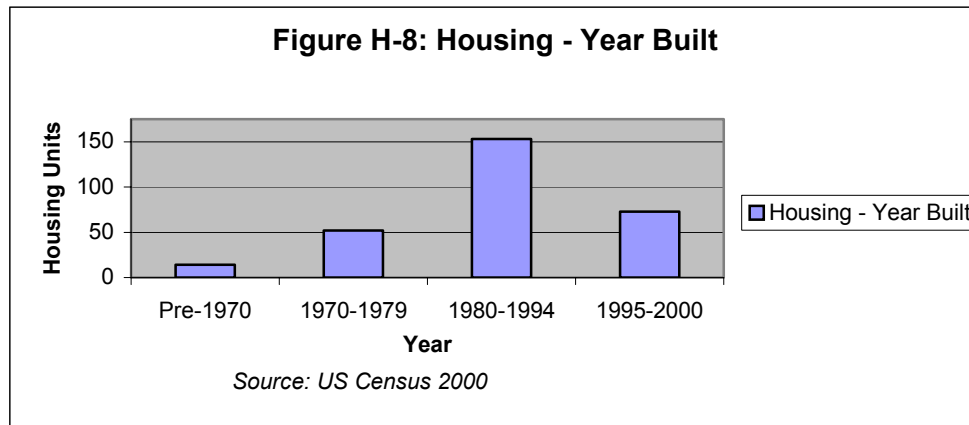
Additional Development Constraints

Peru has a great deal of land that is permanently protected from development. Approximately 7,421 acres or 45% of the total area of the town is permanently protected open space. Nearly 5,800 acres of land is owned by the state. This includes land within Peru State Wildlife Management Area, Rice Wildlife Management Area, Peru State Forest and Middlefield State Forest. Much of the remaining buildable area is located along existing public road right of ways.

Current Housing Conditions

Age of Housing Stock

Peru is home to many historic homes, as well as a significant number of newer homes. The majority of the new construction has been single-family housing.



Assessment of the Housing Stock

A large percentage of the housing stock in Peru was built since 1960. Most new housing in Peru has been built with average values higher than the average value of the existing houses. The recent past has seen demand for second homes and five-acre residential lots in rural parts of Berkshire County.

Structural Violations

The building inspector identified no outstanding issues in regard to the overall conditions of the town housing stock. The town issues an average of approximately 15 building permits per year, 2-5 of which are normally for new, single-family housing. Inspection has commonly occurred as part of the permitting process. Although various individual concerns have been raised as these inspections, they have been addressed. No major trends have occurred, and no major violations have been issued in the last 5-7 years.

Health Violations

The Board of Health has issued very few violations. The largest concern of the Board of Health has been private septic systems. The Board is concerned with keeping the town's aging septic tank systems in working order and up to current regulations. The latest available data had 15 perk tests for new septic systems in one year (2001). Four of these perks failed. Two septic systems were pumped and two were repaired. Four new wells were drilled the same year.

Population Statistics and Demand for Housing

Historical and Projected Population Counts

The population of Peru increased dramatically in the 1970's from 256 to 633 residents. Recently, in the past 20 years, the population has been increasing steadily as the population of the surrounding area has been decreasing significantly. Since 1980, the year-round population of Peru has increased by 30% while the population of the surrounding area of Berkshire County has decreased by 7%. Population studies conducted for the BRPC project that the population of the county will begin to rebound in the next ten years, and the population of Peru will increase by 40% in the next twenty years.

Figure H-9: Historical Population Counts

	Town	Berkshire County
1970	256	149,402
1980	633	145,110
1990	779	139,352
2000	821	134,953
2010*	952*	135,700*
2020*	1,158*	145,875*

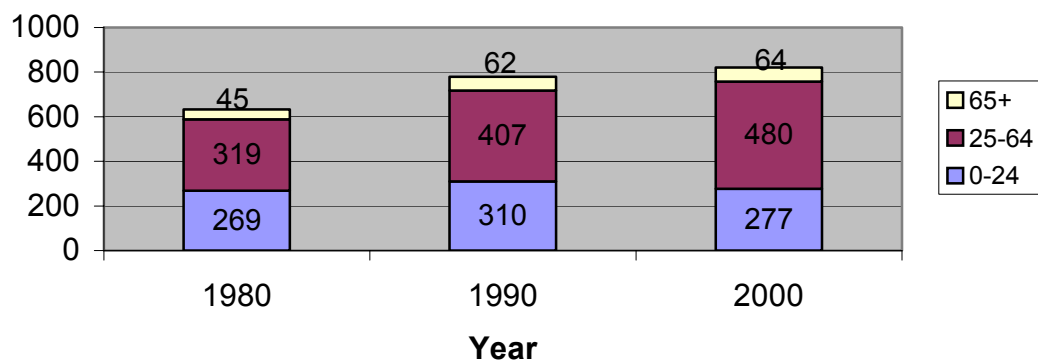
Source: BRPC 2001 Data Book US Census Figures

* REMI / BRPC Population Projections, November 2002

Population By Age

The 30 percent increase in population in Peru since 1980 has come largely without an increase in residents aged 0-24. The population of residents aged 25-64 increased by 50 percent in twenty years from 1980-2000, and the population of residents aged 65 and older increased 43 percent. Residents under 24 years old also increased by only three percent during this time period.

Figure H-10: Population by Age 1980-2000

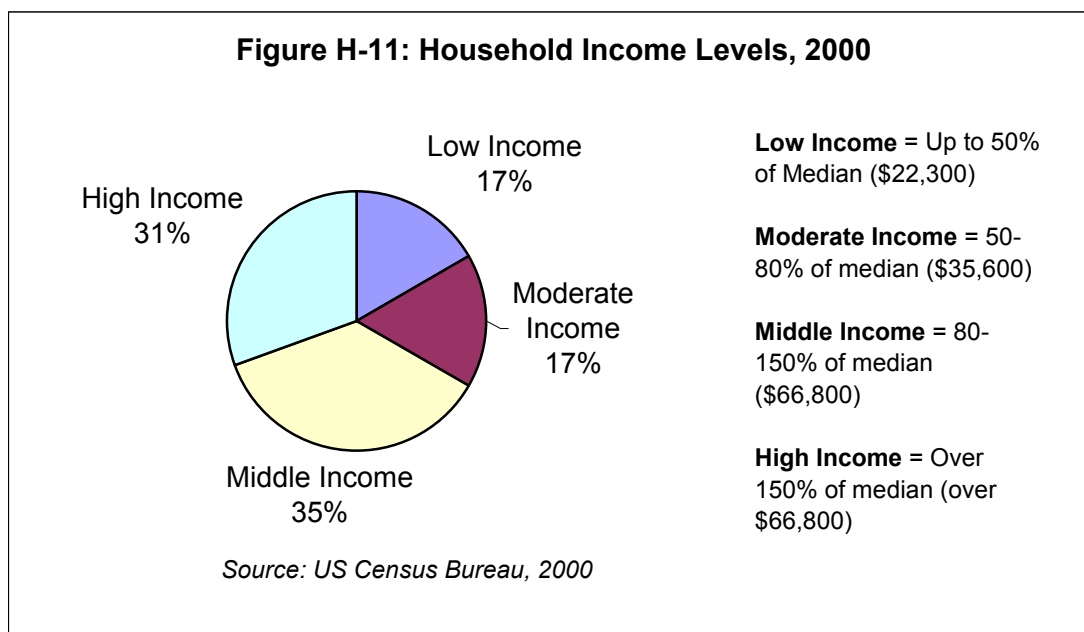


Source: US Census Bureau

Economic Statistics

Local Household Income Levels

The median income of Peru households in 2000 was \$44,531. This figure was higher than the Berkshire County median household income of \$39,047, but less than the state-wide median household income of \$50,502. Figure H-11 shows the income distribution in town, which shows 31% of the town to be high income, or above 150% of the town's median income. 17 percent of the town is considered low income, or earning less than 50% of the local median income.



Local Employment

Local employment and wages in Peru has remained flat for the past 15-20 years (see figure H-12). Construction, agriculture, government, and services are the only town industries represented by 2001 DET figures. Total annual payroll is at roughly the same level as 1985, although the number of jobs and establishments has increased slightly. Average annual wage of local jobs is at its lowest level in 15 years, at \$8,362. In comparison to the Town's Year 2000 median household income of over \$44,000, this figure is very low.

Figure H-12: Employment and Wages in Peru										
Year	Total Annual Payroll	Avg Annual Wage	Establishments	Total	Agriculture Forestry Fishing	Government	Construction	Manufacturing	Trade	Services
1985	316500	10914	5	29	0	5	conf	0	0	conf
1990	389474	13430	7	29	0	conf	conf	0	conf	conf
1995	400081	9758	8	41	0	conf	conf	conf	conf	conf
1996	452245	12562	12	36	0	conf	6	conf	conf	8
1997	472819	14328	8	33	0	conf	conf	conf	0	conf
1998	443651	14311	7	31	0	19	4	conf	0	conf
1999	259777	9278	7	28	conf	19	4	conf	conf	conf
2000	316425	9888	6	32	conf	37	6	conf	conf	0
2001	334468	8362	9	40	conf	conf	8	0	0	conf
Source: Massachusetts DET Employment and Wages Figures, 2003; “conf” = confidential numbers.										

Market Trends for Housing

In recent interviews with the Berkshire Eagle, (*Housing Demand Up, Supply Down* June 11, 2002), real estate agents have seen an increase in demand and a reduction of supply throughout Berkshire County. In the short term, there appear to be a combination of factors increasing real estate investment, such as a low interest rate. Longer-term factors influencing the Peru real estate market is an apparent northward encroachment of high demand and higher real estate prices for higher-end homes, most notably high-end second homes, currently being experienced in South County. Realtors in the Central and Northern Berkshires commented on a “greater awareness of the [real estate] opportunities”. As of July 21st, 2003, there are five houses on the market in Peru, with an average price of \$160,000.

Housing Affordability Gap Analysis

Housing Affordability Methodology

The housing affordability study was conducted to determine whether or not the “typical” family in Peru could actually afford to buy a home in Peru at current market values. According to HUD guidelines housing is considered to be affordable when monthly mortgage payments comprise no more than approximately 30 percent of a household’s total monthly income.

This analysis considers the availability of affordable housing for town residents of several income levels. The typical family was defined as a household with an income equal to the median estimated income of Peru (\$44,531). A typical low income family was defined as a household with an income equal to 50% of the Town’s median estimated income (\$22,266),

and a moderate income family earned 80% of the median income (\$35,625). High-income households earned over 150% of the Town's median income (over \$66,797).

Peru's median housing price was presented as determined from sales data provided by Warren Information Services, while Peru's median income for 2000 was given by the 2000 US Census.

Maximum price affordability levels for each type of household were determined by mortgage loan qualification calculations provided by local mortgage lenders. The analysis was based on a 10% down payment with no points. Calculations incorporate a mortgage interest rate of 7.0%, compiled as an average of current rates offered by local lending institutions at the time of the report. A current localized basic homeowner's insurance quote for Peru was provided by local insurance brokers. The results estimate a maximum housing price with monthly payments that are no more than 28% of the household income with an assumed maximum of 8% in other debts or obligations forming a combined personal debt payments of no more than 36% of monthly income.

Chart H-8: 2001 Affordability Matrix

Income Level	2000 Household Income Limits	Avg. Median Sales Price (2001-2003)	Calculated Maximum Affordable Sales Price	Number of sales (2001-2003) under maximum affordable price level	Number of Households below income bracket in 2000	% of total town Households below income bracket in 2000	% Sales affordable by these households	Affordability Gap
Low income – up to 50% of Median	\$22,266	\$123,133	\$49,250	6	49	17%	25%	0%
Moderate income – up to 80% of Median	\$35,625	\$123,133	\$89,000	9	98	33%	38%	0%
Middle Income – up to 150% of Median	\$66,797	\$123,133	\$182,000	20	205	69%	83%	0%
High Income-over 150% of Median	\$66,797	\$123,133	Over \$182,000	24	295	100%	100%	0%
Median Income	\$44,531	\$123,133	\$155,500	18	147	50%	75%	0%

Affordability Findings

The Affordability Gap Analysis for the Town of Peru shows sufficient housing across all income levels. There were 6 houses sold that were considered affordable to households making less than \$26,000 a year, which is 50% of the town median household and considered low income households according to the DHCD.

Affordability of New Housing

New housing built since 1996 has an average value of approximately \$142,000. The gap analysis shows that a moderate-income household in Peru, with an income of \$35,625 could afford to spend up to \$123,133 to purchase a home, and would not be able to afford the average home being built.

Rental Affordability

Although low and moderate income households could not afford the single family homes on the market, the median rent of \$375 would take approximately 20% of a low income household's monthly income, which would not be considered cost-burdened according to DHCD definition. Cost-burdened households are those paying more than 35% of their monthly incomes on rental. According to the 2000 census, three households renting in Peru were cost-burdened.

Affordable Homeownership Assistance Programs**Good Samaritan Homeownership Program**

Berkshire County Towns participate with Berkshire Housing Development Corporation, Berkshire Fund, Inc., and nine local lenders with the Good Samaritan Homeownership program described below. The participating lenders include Berkshire Bank, Legacy Banks, Pittsfield Cooperative Bank, Lee Bank, Lenox Savings Bank, Adams Cooperative Bank, So. Adams Savings Bank, Hoosic Bank and Greylock Federal Credit Union.

The Good Samaritan Homeownership program, which received a Federal Home Loan Bank Affordable Housing Program Grant for \$96,000 in 1999 to assist low-income households with down payment and closing cost assistance. This program is available to income eligible residents throughout the County and more than 175 families have bought homes through the program in the past 10 years. Participating lenders provide a first mortgage equal to 80% of the purchase price, Berkshire Fund provides a second mortgage equal to 15% of the purchase price, and the buyers provide a 5% down payment. The banks also purchased more than \$1.6 million of low interest bonds to fund the down payment pool.

USDA Rural Housing Service Loan Guaranty Program

This program is a federally funded program from the Department of Agriculture (USDA)/Rural Housing Service. This program is available to all borrowers seeking mortgages throughout Berkshire County, with the exception of the City of Pittsfield. Through the Guaranteed Rural Housing Loan Program, moderate-income earners can qualify for existing single-family mortgages without a down payment. This program is currently available at Lee Bank.

MassHousing General Lending Program – 1st Time Homebuyers

MassHousing partners with Lee Bank, Berkshire Bank, and Legacy Banks to assist credit-worthy, low and moderate income, first time home buyers whose income and home purchase price fall within federally-set guidelines with financing and educational assistance. In the last 5 years, Peru residents have received five loans through MassHousing's MassAdvantage program for a total of over \$250,000 in reduced interest rate home loans.

As of July 2003, eligibility requirements for MassHousing programs in Peru are:

Income Limits For MassHousing Programs In Peru			
Income Limits		Acquisition Cost Limits	
1 - 2 Persons	\$ 66,000	New Construction	Existing Housing
3 or More	\$ 75,900	Single Family \$277,100	Single Family \$198,400
		2 Family n/a	2 Family \$223,300
			3 Family \$270,400
			4 Family \$314,400

Housing Rehabilitation Assistance Programs

MassHousing Septic Repair Loan Program

The Septic Repair Loan Program is a state-wide program established under Chapter 708 of the acts of 1966 of the Commonwealth of Massachusetts that is funded by MassHousing and available locally at Lee Bank. The MassHousing program offers reduced interest rate loans of \$1,000 - \$25,000 to cover costs associated with the upgrade of a failed sewage disposal system within the meaning of Title 5. Homeowners may qualify for 0%, 3% or 5% interest rates based on household income (see chart below). Repairs are for owner-occupied primary-residences only, not for second homes. The program is popular and several such loans are given out every year throughout the county. Few local applicants have failed to qualify. The Average Loan amount for a Septic Repair Loan has been relatively high, as the program's closing cost requirements have discouraged smaller value loans. The program began with a \$13 million State grant; it is considered successful; and is expected to continue with self-sufficient funds from loan payments.

In the last five fiscal years, 2 residents of Peru have participated in the Septic Repair program, receiving a total of \$30,600 in reduced interest loans. (Source: [MassHousing Use Figures for FY96-01](#))

Income Limits for Septic Repair Loans in Berkshire County

Loan Rate	1-2 person family	3 or more persons
0%	\$23,000	\$26,000
3%	\$46,000	\$52,000
5%	\$92,000	\$104,000

MassHousing Home Improvement Loan Program

Local residents are also eligible for participation in the Home Improvement Loan Program at MassHousing. This program is available through Lee Bank, and residents of other towns in Berkshire County have participated. The program offers financing for income-eligible homeowners to repair their homes. Eligible properties are one-to-four family properties and residential condominiums, and the residence must be the borrower's principal residence for minimum of one year. The maximum loan amount is \$5,000 - \$25,000 for loan terms of 5 to 15 years. In the last five fiscal years, no Peru residents have participated in this program.

Source: MassHousing

For more information on this program, contact MassHousing or Lee Bank.

MassHousing Get the Lead Out Loan Program

MassHousing's Get The Lead Out Program provides low cost financing to owners of 1–4 family properties to remove lead paint and reduce the possibilities of lead poisoning among children. In the past five fiscal years, one Get the Lead out loan has been given to a Peru resident for over \$10,000 in funding. Owner-occupants who meet the income requirements (see Chart H-9) are eligible for a 0% deferred payment loan not due until the sale or refinancing of the property. Non-profit organizations are eligible for 0% fully amortizing loans on properties that are being rented to income eligible households. Investor owners are eligible for 3% fully amortizing loans on properties that are being rented to income eligible households

For more information on this program, contact MassHousing or Lee Bank.

Housing Goals and Objectives

Residents of Peru wish to maintain the existing quality housing stock. Residents wish to preserve and protect the character of the community while providing access to affordable housing for all households.

- Maintain local housing stock that provides quality housing for residents of all ages and incomes
- Ensure that future housing opportunities and developments are consistent with the Town's unique character and existing infrastructure while preserving open space, agriculture and natural resources
- Provide an appropriate mix of quality homeownership and rental opportunities with consideration of housing for persons of low, moderate and middle-incomes.

Housing Strategy Recommendations

As a result of the Community Development Plan Housing Profile for Peru, the following actions have been listed as ways in which the Town may continue to meet the housing needs of Town residents.

Participation in ongoing local housing rehabilitation programs

The data indicates an on-going need for rehabilitation programs. Continuation of affordable rehabilitation programs will assist low and moderate-income households including elders to maintain their properties in better repair. Two specific programs that may be of particular benefit to the town are already occurring in the area and are readily available to the town: One is the MassHousing program to address septic failures, and the second are ongoing programs administered by Berkshire Housing Development Corporation to address general rehabilitation needs. The MassHousing Septic Repair Assistance Program, as described in detail in the housing profile, is currently available at several local lenders. The programs have not been well subscribed, but have been of specific concern to residents, according to the Town Health Inspector. Septic repair assistance may be needed for older residents or others who may be forced to invest large sums of money to update septic systems in order to sell their house. Berkshire Housing Development Corporation applies for and manages Housing Rehabilitation programs through CDBG for the entire county, but has not included Peru in recent efforts. A local housing partnership as described above - working with the Selectboard, MassHousing, and the Berkshire Housing Development Corporation - could ensure Peru's participation in such efforts to the benefit of the town.

- Continue to make local residents aware of MassHousing's Septic Repair Loan Program.
- Continue to work with BHCD to apply for CDBG funds for rehabilitation grants and loans.
- Pursue new rehabilitation funds which may become available.
- Often elders, who may most need assistance with rehabilitation, are reluctant to participate in loan programs – even deferred payment loan programs. Whatever type of housing committee is developed should work with the Council on Aging to determine the need for grant programs and/or technical assistance for elder households. If such need is identified, the committee and Council on Aging should identify sources of grant funds, such as foundation funding to provide such grants.
- In order to ensure that rehabilitated homes remain affordable and count towards the town's inventory of affordable houses according to M.G.L. Chapter 40B, a use restriction could be placed on these houses for a minimum of 15 years.

Pursue development of affordable homeownership options

There are limited year round properties affordable to moderate income households and which are not in significant need of rehabilitation. Development of affordable homeownership opportunities will help maintain a population of families with younger children in the community. Development of affordable homeownership units will also help the community meet its MGL C.40 B requirements.

- Ensure local banks continue to participate in MassHousing's lending programs. In the last 5 years, two Town homeowners have received a total of \$163,000 in loans through MassHousing's First Time Homebuyers Program. These households income cannot exceed \$66,000 for a family of two and \$75,900 for a family of three or more. Cost limits are \$277,100 for new construction and \$198,400 for existing single family properties. The loans made in Town suggest these households purchased a moderately priced home.
- Conduct a survey to identify need for affordable homeownership. The town should appoint a housing committee to review and respond to the survey results.

- Consider other low-cost models such as working with Habitat with Humanity or pursuing development with the local vocational school programs.

Pursue development of affordable rental housing

Peru has a limited amount of rental housing and 0 units MGL C.40 B housing as of April 2002. Development of affordable rental housing will assist the Town in meeting its MGL C40 B requirement and help insulate the community from outside interference in residential development. In order to pursue rental housing development, the Town should consider the following:

- Work with Berkshire Housing or with another local agency such as CDC of Northern Berkshires to develop mixed-use rental housing. Working with nonprofit partners will assist the community in securing the grant resources needed to make the development affordable at no cost to the Town.
- Identify “no cost” local resources that can make the project work such as state- or Town-owned land that can be used for a rental development. For example, if the town has foreclosed on tax title and derelict properties, there would be an opportunity for the Town to write down the cost of housing development for local residents.
- Work with nonprofit developer to identify grants and low-interest or deferred payment loans for rental development. Possible sources include:
 - ⇒ U.S. Department of Housing and Urban Development Programs: Section 202 Elderly Housing Program, Section 811 Housing for Persons with Disabilities
 - ⇒ U.S. Department of Agriculture Rural Housing Service Program
 - ⇒ Massachusetts Department of Housing and Community Development Programs: Affordable Housing Trust Fund (with MassHousing), HOME, Housing Stabilization Fund, Housing Development Support Program, Local Initiative Program and Section 8 Housing Voucher Program.
 - ⇒ Massachusetts Housing Partnership loan programs
 - ⇒ Federal Home Loan Bank’s Affordable Housing Program

Pursue the Reduction of Barriers to Housing Development

While the Town’s zoning by-law is minimal and friendly to residential development, a review and update of the subdivision regulations, permitting processes, and even the current zones themselves may find areas for improvement. Actions may include:

- Complete a Local Analysis of Impediments to Development of Affordable Housing.
- Obtain the pro-bono services of a real estate attorney or other professional.
- Review Land Suitability Maps and local parcel maps to determine if current zoning accurately reflects existing conditions and current Community Values with regard to housing
- Adopt model local rules for responding to comprehensive permit applications.

Consider the adoption of the Community Preservation Act to finance future affordable homeownership options in Town

The Community Preservation Act will give approximately \$25 million of State funds to local municipalities every year to put towards creation and support of affordable housing, conservation, and historical preservation. The State monies will match funds gained if a town elects to raise its taxes by up to 3%. Use of these funds is determined locally. In

Berkshire County, Stockbridge and Williamstown have elected to participate in the provisions of the Community Development Act, enabling them as the only two municipalities currently able to receive state funds from a pool of funds designed to serve all 32 Berkshire County municipalities.

Apply for EO418 Housing Certification for The Town

The Town has not previously been EO418 Housing Certified. Continued Certification gives the town preferential status when applying for over \$400 million in grant opportunities available annually by the State. Grant monies made available by Housing Certification are not necessarily related to housing.

On-going Actions

The Town of Peru is working to develop a comprehensive revision of their Zoning Bylaws, originally adopted in 1978. For nearly three years the Peru Planning Board has been working to clarify zoning definitions, outline the application process and clarify and expand the by right and special permit use regulations. As part of the process, members of the Select Board and Conservation Commission as well as the Building Inspector have participated in the discussions. The intent of this initiative is to eliminate vague and confusing language, bring the Bylaws into compliance with Massachusetts General Law requirements and to protect the rural residential nature of the community.

The Planning Board will hold two working meetings on the proposed zoning amendments on Monday, June 7th and Monday, June 21st at the Town Hall at 7:00. Residential are encouraged to attend to discuss the proposal. Refreshments will be served. Copies of the proposed bylaw changes are available at the Town Hall for review. The Planning Board anticipates holding a public hearing this fall in anticipation of bringing the zoning amendments forward to a special town meeting for a vote.

¹ U.S. Census Bureau, 2000 Census

² The Warren Group.

³ Buildout Analysis, Berkshire Regional Planning Commission, 2000

⁴ Southern Berkshire Housing Study, Community Opportunities Group, 2002.

⁵ Town of Peru Building Inspector and Town Manager.

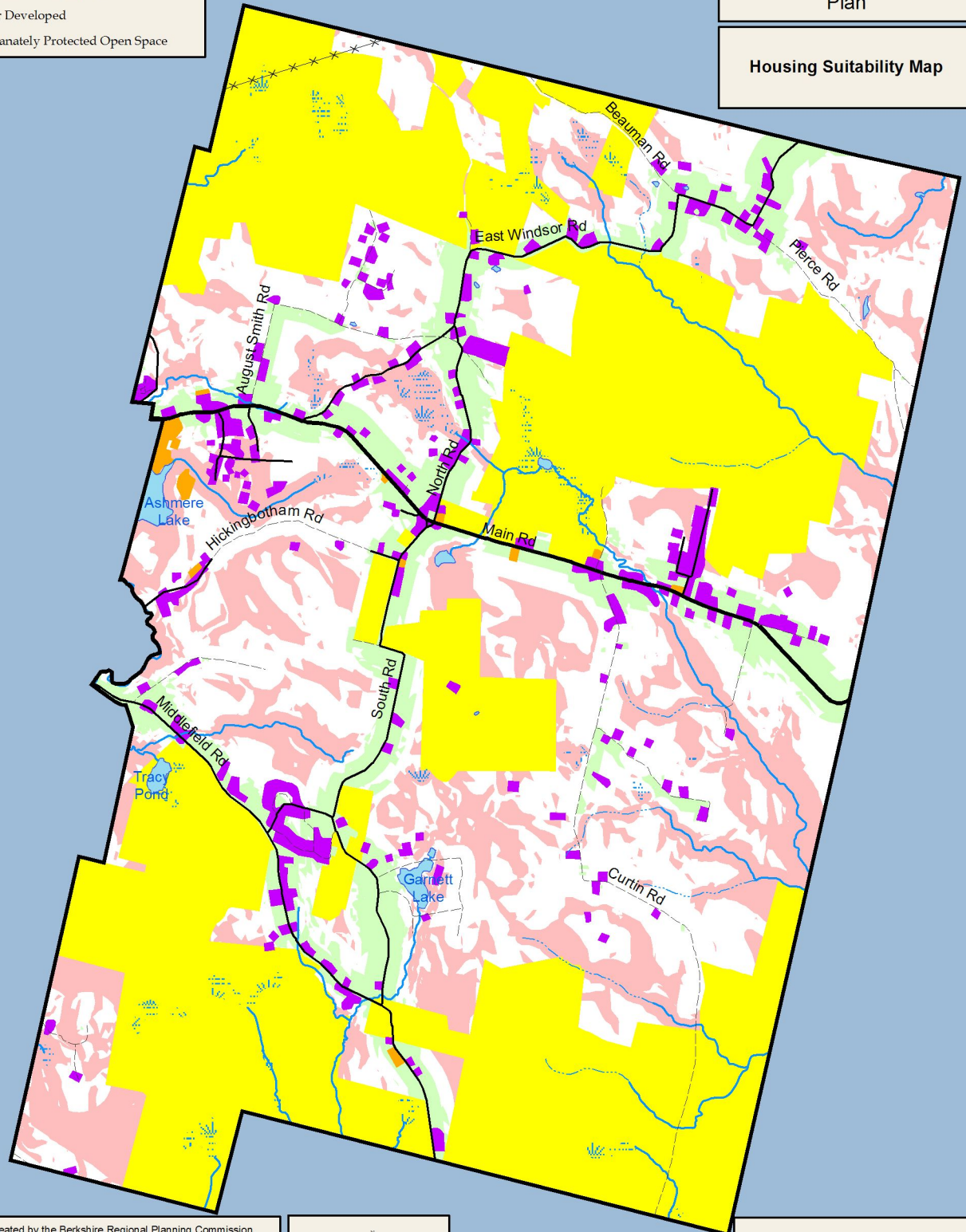
Suitability of Residential Development

- High Suitability
- Medium Suitability
- Low Suitability
- Residential Development
- Other Developed
- Permanently Protected Open Space

Town of Peru

Community Development Plan

Housing Suitability Map



This map was created by the Berkshire Regional Planning Commission and is intended for general planning purposes only. This map shall not be used for engineering, survey, legal, or regulatory purposes. MassGIS, BRPC or the town provided all of the data layers used to create this map.

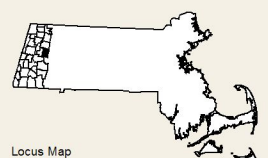
This project was funded through a grant from the Massachusetts Executive Office of Environmental Affairs, Massachusetts Department of Housing Development, and the Massachusetts Executive Office of Transportation and Construction.

/cdp/per/projects/housing_suitability.mxd
June 24, 2004



0 300 600 900
Meters

Massachusetts State Plane Meters
North American Datum 1983



Locus Map

Economic Development



Economic Development

5

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Introduction to the Economic Development Element



This section examines an economic strategy that incorporates the socio-economic trends in Peru and in the surrounding area of Berkshire County that affect economic development. Planning to maintain an adequate supply of businesses while balancing concerns related to open space, natural resources, housing, transportation, infrastructure, and community services is a challenging task. Planning for economic development begins with analysis of detailed information on the local economy in order to identify specific concerns and potential areas in which the town may encourage business and employment. Several factors may indicate the community's economic stability, strengths and potential areas in which to guide business development that emulates the character of the community. Some of these factors are:

- Supply and diversity of local employment opportunities
- Size, education, and skill level of the Local Labor Force
- Supply of affordable housing and transportation available for local workers.
- Condition of existing businesses, buildings, infrastructure
- Developable land for new businesses/industries.
- Local commercial tax rates, regulations and permitting processes that are conducive to business.
- Economic trends and characteristics of the regional economy
- Financial, educational, and developmental resources available.

Economic Development Strategy

Introduction

Peru, located in central Berkshire County, is a small friendly rural hill town of 821 residents. It is 14 miles east of Pittsfield and 122 miles west of Boston. Incorporated in 1771 as Partridge field, its name was later changed to Peru. The town has the highest town center in the state.

Peru was originally settled as a farming community. At one time several sawmills, a small limestone quarry, and a cheese factory operated in town. These uses have long since disappeared and the town has reverted back to a traditional rural agricultural community. Today, Peru residents find employment in Dalton and Pittsfield.

Historical and Projected Population Counts

The population of Peru increased dramatically in the 1970's from 256 to 633 residents. Recently, in the past 20 years, the population has been increasing steadily as the population of the surrounding area has been decreasing significantly. Since 1980, the year-round population of Peru has increased by 30% while the population of the surrounding area of Berkshire County has decreased by 7%. Population studies conducted for the BRPC project that the population of the county will begin to rebound in the next ten years, and the population of Peru will increase by 40% in the next twenty years.

Figure E-1: Historical Population Counts

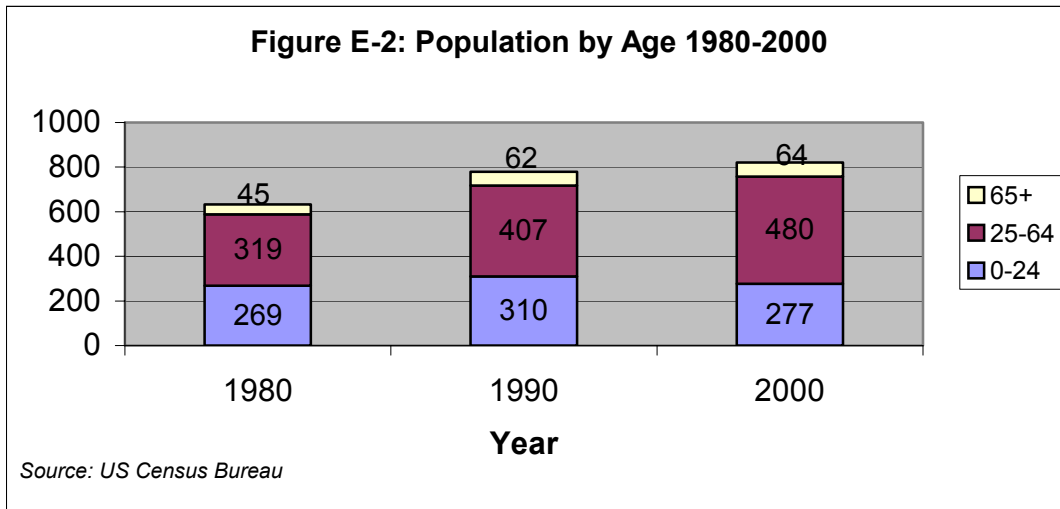
	Town	Berkshire County
1970	256	149,402
1980	633	145,110
1990	779	139,352
2000	821	134,953
2010*	952*	135,700*
2020*	1,158*	145,875*

Source: BRPC 2001 Data Book US Census Figures

** REMI / BRPC Population Projections, November 2002*

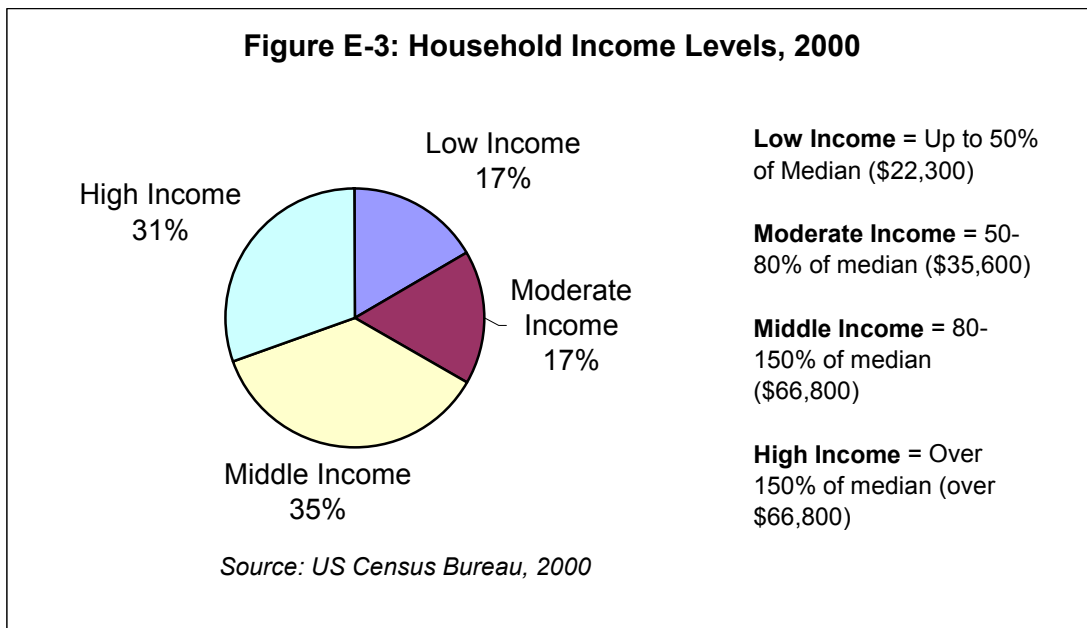
Population By Age

The 30 percent increase in population in Peru since 1980 has come largely without an increase in residents aged 0-24. The population of residents aged 25-64 increased by 50 percent in twenty years from 1980-2000, and the population of residents aged 65 and older increased 43 percent. Residents under 24 years old also increased by only three percent during this time period.



Local Household Income Levels

The median income of Peru households in 2000 was \$44,531. This figure was higher than the Berkshire County median household income of \$39,047, but less than the state-wide median household income of \$50,502. Figure E-3 shows the income distribution in town, which shows 31% of the town to be high income, or above 150% of the town's median income. Seventeen percent (17%) of the town is considered low income, or earning less than 50% of the local median income.



Poverty in Peru

Census 2000 shows poverty is decreasing in Peru. The number of families in Hinsdale below the poverty level decreased from the 1990 to the 2000 census from 16 to 9 decreasing the poverty rate from 7.8% to 4.1%.

Educational Attainment

According to the 2000 census, 87.1% of the Town's residents aged 25 years or older had at least a high school degree, while 18.9% had at least a bachelor's degree. Throughout Berkshire County, 85% of this demographic have high school diplomas and 26% have bachelor's degree ([U.S. Census Bureau, 2000](#)).

Local Educational Opportunities

Residents in Town have access to higher education (Associate's Level) and technical training programs at Berkshire Community College in Pittsfield. The Massachusetts College of Liberal Arts in North Adams also offers undergraduate and graduate level programs accessible to both day and evening students. Two other residential private colleges serve the region: Williams College and Simon's Rock. Simon's Rock offers high school age students the opportunity to enroll in college programs. The University of Massachusetts also offers a MBA program in Pittsfield. Additional opportunities for technical training or skill-building are viewed as critical to workforce development in the region.

Workforce Development Programs

Residents in Town have access to a number of workforce development programs and economic development organizations offering workforce development activities, access to training grants, youth employment and training opportunities, strategic planning resources, and much more. Appendix A lists these economic development programs and organizations with a description of the activities and resources in which they are involved.

Local Employment

Local employment and wages in Peru has remained flat for the past 15-20 years (see figure E-4). Construction, agriculture, government, and services are the only town industries represented by 2001 DET figures (See Appendix B for the complete list of ALMIS employers). Total annual payroll is at roughly the same level as 1985, although the number of jobs and establishments has increased slightly. Average annual wage of local jobs is at its lowest level in 15 years, at \$8,362. In comparison to the Town's Year 2000 median household income of over \$44,000, this figure is very low.

Figure E-4: Employment and Wages in Peru										
Year	Total Annual Payroll	Avg Annual Wage	Establishments	Total	Agriculture Forestry Fishing	Government	Construction	Manufacturing	Trade	Services
1985	316,500	10,914	5	29	0	5	conf	0	0	conf
1990	389,474	13,430	7	29	0	conf	conf	0	conf	conf
1995	400,081	9,758	8	41	0	conf	conf	conf	conf	conf
1996	452,245	12,562	12	36	0	conf	6	conf	conf	8
1997	472,819	14,328	8	33	0	conf	conf	conf	0	conf
1998	443,651	14,311	7	31	0	19	4	conf	0	conf
1999	259,777	9,278	7	28	conf	19	4	conf	conf	conf
2000	316,425	9,888	6	32	conf	37	6	conf	conf	0
2001	334,468	8,362	9	40	conf	conf	8	0	0	conf
Source: Massachusetts DET Employment and Wages Figures, 2003; “conf” = confidential numbers.										

Regional Business Overview

According to an analysis of employment in the Berkshires by the Berkshire County Regional Employment Board (“Blueprint”) 9 industry segments (Table E-5) are defined as “critical” to the region since these 9 provide the preponderance of employment opportunities, or about 78% of the jobs – in the region.

TABLE E-5 – Critical Industries in Berkshire County

Industry	(% Workforce)
Health & Human Services	16.1%
Travel & Tourism	14.0%
Retail	13.6%
Education	11.2%
Paper/Plastics	8.7%
Construction	5.3%
Finance, Insurance & Real Estate	4.1%
Business Services	2.8%
Applied Technology	2.5%
Total:	78.3%

Source: Berkshire County Regional Employment Board, 2001

Current Local Growth Trends

Recently, major growth has been seen in the number of employers located in Hinsdale, but this has not affected the total number of jobs in town. DET figures show that since 1985 the total number of jobs in Town has remained around 200. Total annual payroll of the Town’s employers has increased an average of approximately 5.2% a year since 1985. Average annual wages have been increasing slightly faster at approximately 6.3% a year since 1985.

Table E-6: Employment and Wages by Industry

Year	Total Annual Payroll	Avg Annual Wage	Establishments	Total	Government	Construction	Trade	Services
1985	\$2,335,900	\$10,666	20	219	5	44	conf	conf
1986	\$2,833,000	\$13,426	27	211	6	52	conf	147
1987	\$2,538,200	\$13,016	28	195	6	56	9	120
1988	\$2,891,300	\$15,058	26	192	5	59	8	115
1989	\$3,022,307	\$16,337	27	185	conf	50	7	111
1990	\$3,057,587	\$16,264	28	188	conf	44	7	121
1991	\$3,316,548	\$17,364	31	191	conf	40	19	118
1992	\$3,678,470	\$17,770	29	207	conf	35	22	133
1993	\$3,713,417	\$17,192	30	216	conf	30	23	129
1994	\$3,315,607	\$15,493	27	214	conf	18	31	122
1995	\$4,688,606	\$19,783	30	237	68	12	22	123
1996	\$4,560,864	\$20,731	30	220	68	14	11	115
1997	\$4,826,979	\$20,029	33	241	66	14	18	129
1998	\$5,085,936	\$19,265	33	264	73	20	10	145
1999	\$4,638,469	\$19,655	42	236	78	21	14	107
2000	\$4,164,722	\$20,720	42	201	87	25	15	59

Source: [MA Dept of Employment and Training](#)

Current Regional Growth Trends & Emerging Industries

The 2001 Regional Employment Board Workforce Development Blueprint has identified business services atop 5 other industry sectors with growth rates in employment in excess of 10%, represent the region's "emerging" industries (Table E-7).

TABLE E-7: Emerging Industries in Berkshire County

Industry:	Growth Rate(%):	% of Workforce Employed:
Business Services	25	2.8%
Misc. Retailing	18	4.5%
Spec. Trades Contractors	18	2.6%
Gen'l. Building Contractors	18	1.0%
Amusement & Recreation	15	2.3%
Personal Services	12	1.2%

Source: Berkshire County Regional Employment Board, 2001

Another recently recognized growth area in Berkshire County is in the Technology Enterprise sector, which is comprised of four major types of activity: Software and Systems Design; Design and Art; Content and Publishing; and Information Technology (IT) Business Consulting. The University of Massachusetts Donahue Institute recently completed the first major study of the growth of technology enterprise sector in Berkshire County. The study, *Technology Enterprise in Berkshire County: Economic Analysis, Feb 2002*, reports that since 1993, the Technology Enterprise sector has grown at a higher rate than every major division of the Berkshire economy in terms of firm growth, employment growth, and real annual

payroll growth. The study shows that payroll for Technology Enterprise firms increased by 190% from 1993-2002, while total payroll in the region increased by only 13.5%.

Future Growth Areas Regionally

Berkshire County's future base is very much tied to its strong past manufacturing base industries – though with substantially fewer employees, but unprecedented output value as measured by Gross Regional Product

Economic forecasts provided by the Berkshire Regional Planning Commission using the REMI model indicate that while the service sector will continue its upward trajectory in numbers of employees, high technology and high productivity manufacturing will continue to be the structural and economic base of the region's economy.

Job growth within the major sectors of the regional economy is slated to continue and remain roughly the same proportionally out to 2025.

Regionally, services are expected to continue to climb in employment to almost 50% of total employment by 2025, with healthcare services being the leading employer regionally within this sector. Increasing numbers of service jobs can be expected to affect overall wages and income in this region.

Technology Enterprise is also expected to continue to increase its substantial impact on Berkshire County's economy. According to an anonymous survey by the University of Massachusetts Donahue Institute, companies associated with this sector reported a positive business outlook, with 75% expecting increased revenues over the next three years and 96% reporting they are likely to remain in Berkshire County for the next 5 years.

Employment Outlook

Concerns have been raised both by the Berkshire County Regional Employment Board and the Massachusetts Department of Employment and Training's publication on regional workforce trends that much of the job growth taking place in the Berkshires is in low wage segments of the service and retail sectors. At the same time, businesses throughout the region have experienced a difficulty in recruiting qualified employees with job skills and technical abilities matching employer needs.

The number of higher paying small, or "micro" businesses has been growing in the area. The role of small or "micro" businesses is of interest in Town and in the surrounding region for its importance in economic development – especially because of changes in where and how people work. Advances in telecommunications technology and the growth of personal computers in the home have meant many more people can – and do – work at home as self-employed contractors and consultants. Results of the Donahue Institute study on Technology Enterprise found that Berkshire County was home to 1,500 Technology Enterprise sole proprietorships, as well as 154 employer firms with an average of eight employees. This contrasts with the 39 per firm average in manufacturing businesses, and the 15 per firm in the average services industry business in Berkshire County.

Self-employment has been increasing at a faster rate than wage and salary employment both regionally and on a national level. Data from the Bureau of Economic Analysis for 1998 for

the Berkshire region indicate that proprietorships (both farm and non-farm) represent about 18% of total regional employment, and have increased in number about 2.8% from 1994.

Workforce Development Programs

Listed below are key organizations – both public and private – and a brief summary of recent activities in support of regional economic development and/or recent assessments or studies, which have fostered understanding of regional economic issues:

Berkshire Council for Growth

Leading the coalition-building effort has been the Council for Growth, established in 1998 as a regional outgrowth of the Cellucci Administration's Berkshire Jobs Task Force. The Council and its committees, in partnership with volunteers from many private businesses and support from the Berkshire County Regional Employment Board and the Berkshire Regional Planning Commission, have coordinated/spearheaded a number of important regional initiatives including a regional jobs website, www.berkshirejobs.com.

Berkshire Applied Technology Council

Formed in 1997/1998 as a partnership of businesses and government, local schools, Berkshire Community College, and regional 4 year colleges, the Council's mission is to establish the Berkshire region as a technology center of excellence. The Council's goal is to address the workforce needs of manufacturing companies and industries in the region through a long-range strategy of technology-focused educational initiatives. Providing state of the art educational programs, financial assistance, training, and professional support targeting students and incumbent workers, the Berkshire Applied Technology Council addresses a key factor in attracting and retaining technology-based industries and firms – the need for technically trained employees. Berkshire Applied Technology Council has sponsored the following:

TECHPATH

This workforce/educational program was developed in 1997 as a 2+2+2 sequence to link high school to associate to baccalaureate degrees with a high technology curriculum specifically integrating local industry applications. The TECHPATH program is designed to be accessible to incumbent workers, as well as a seamless link in motivating and developing future high tech workers. Over 50 students are currently enrolled in the program.

WOMEN ON TECH PATH PROGRAM

A collaboration with Berkshire Community College, this project will offer after-school training to 22 young women (from the 11 regional public schools) in engineering, graphics/animation, and information technology. A follow-up summer program – the Internet Academy – will also provide job shadowing and electronic networking components.

Berkshire Connect

A regional initiative cited by the Federal Communications Commission in 2000 as a national model for efforts to improve telecommunications access in rural or under-served areas with a cost-effective solution to help drive regional economic activity.

The partnership agreement with Global Crossing/Equal Access Networks has resulted in building sufficient telecommunications infrastructure and services to support the needs of businesses and industry in this region at a competitive and affordable price.

Berkshire County Regional Employment Board (BCREB)

The BCREB is the local organization responsible for assisting employers with workforce development activities, access to training grants, youth opportunities, and strategic planning & oversight. It helps access the following programs: Career Center, Workforce Training Fund, Department of Employment and Training, Berkshire Training and Employment Program, Massachusetts Rehabilitation Commission, Advantage Employee Network and Full Employment Program. It also promotes the School-to-Work Initiative, Summer of Work and Learning and Welfare-to-Work Initiative. Two key documents published by the BCREB are its Workforce Development Blueprint (1998, 2000 & 2001 draft) and Workforce Needs Assessment (May, 2000).

Economic Development Organizations

There are a number of regional and local economic development organizations, each with defined geographic service areas and unique missions. These include:

- Berkshire Enterprises:
Berkshire Enterprises runs ten-week training programs addressing a wide range of issues that serve as the foundation for new entrepreneurs. The focus is on business plan development, financing, marketing and management.
- Berkshire Housing Development Corporation
- Berkshire Regional Planning Commission
- Berkshire Training and Employment Program
- Berkshire Visitors Bureau
- Community Development Corporation of Southern Berkshire
- Division of Employment and Training
- Lee Community Development Corporation
- Massachusetts Office of Business Development
- Northern Berkshire Community Development Corporation
- Northern Berkshire Industrial Park and Development Corporation
- Pittsfield Economic Development Authority
- Pittsfield Economic Revitalization Corporation

Goals and Objectives

Residents of the town of Peru view natural, cultural and recreational attributes as vital to future economic development. The town wishes to see community support for local farm owners and self-employed residents, as well as finding alternative ways to diversify the local tax base. The following actions are recommended to promote economic development in the town of Peru:

- Support the preservation and growth of local enterprises, including home occupations.

- Support the retention of existing establishments and encourage limited growth of small-scale service oriented enterprises.
- Develop stronger economic link between local attractions and local enterprises without compromising character.

Recommendations

A prescriptive strategy can help to effectively guide and integrate appropriate new economic development within the existing context of Peru. This can be accomplished through:

- Regulatory enhancements aimed at supporting the growth and expansion of local enterprises.
- Regulatory provisions aimed at encouraging new development of appropriately sized commercial establishments.

On-going Actions

The Town of Peru is working to develop a comprehensive revision of their Zoning Bylaws, originally adopted in 1978. For nearly three years the Peru Planning Board has been working to clarify zoning definitions, outline the application process and clarify and expand the by right and special permit use regulations. As part of the process, members of the Select Board and Conservation Commission as well as the Building Inspector have participated in the discussions. The intent of this initiative is to eliminate vague and confusing language, bring the Bylaws into compliance with Massachusetts General Law requirements and to protect the rural residential nature of the community.

The Planning Board will hold two working meetings on the proposed zoning amendments on Monday, June 7th and Monday, June 21st at the Town Hall at 7:00. Residents are encouraged to attend to discuss the proposal. Refreshments will be served. Copies of the proposed bylaw changes are available at the Town Hall for review. The Planning Board anticipates holding a public hearing this fall in anticipation of bringing the zoning amendments forward to a special town meeting for a vote.

Transportation



Transportation

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Introduction to the Transportation Element



Transportation in Peru is tied to issues of economic development, housing, land use, and community development. As in many small towns, Peru depends largely upon a small number of local roads for local and regional access. The Community Development Plan Transportation Element is designed to address ownership, maintenance responsibilities, suitability for development, and eligibility for public road improvement funds as part of the development of an Official Map. Several factors are considered when recommending such improvements and include the following:

- Roadway characteristics such as ownership, pavement and shoulder width, speed limit and sidewalks
- Land Use
- Traffic volumes and vehicle classification
- Speed limits, travel speed, and crash history
- Parking conditions
- Measurement of bicycle compatibility
- Comprehensive study of existing roads

Status of Roads Report

Town of Peru

2004



Prepared By

Berkshire Regional
Planning Commission

This document was prepared with funding from the Massachusetts Executive Office of Environmental Affairs, Executive Office of Transportation and Construction/MHD, Department of Housing and Community Development, and Department of Economic Development.

OBJECTIVE

The purpose of this report is to document the development of a Status of Roads map for the Town of Peru that identifies and classifies the status of roadways within the Town with respect to ownership, maintenance responsibilities, suitability for development, and eligibility for public road improvement funds. Inactive, “abandoned” and discontinued roads are also identified and evaluated. A large-scale Status of Roads map, with a chart of all roads and their distances, is included with this report. The Status of Roads Map is to serve only as an advisory document concerning the names, locations, distances and accepted statuses of all roads and parks in the Town of Peru. The Status of Roads map provided with this report is *not* an Official Map ready for adoption by Town Meeting vote; in and of itself, the Status of Roads map has no legal authority. It can serve as a template for an Official Map if Town of Peru officials (the Planning Board in particular) one day wish to resolve any inconsistencies or questions of road status described in this report.

As a component of the Town of Peru’s 2004 Community Development Plan, this report and the accompanying Status of Roads map were submitted to the Massachusetts Department of Housing and Community Development (DHCD) and the Massachusetts Highway Department (MassHighway). Though not required, Town of Peru officials should notify both agencies of any actions taken as a result of the report recommendations, if any. In addition, copies should be on file with the Town Clerk, the Town Counsel, and the Department of Public Works. This report and the included Status of Roads map should help the Town of Peru with regular monitoring of its roads and should be updated on an ongoing basis as roads statuses change.

WHAT IS A STATUS OF ROADS MAP?

A Status of Roads map is a map showing the names, locations, distances, maintenance and liability responsibilities, and legal status or ownership of all roads in a Town. Unlike an Official Map, which is defined by Massachusetts General Laws Chapter 41, Sections 81 E-I, a Status of Roads map is an unofficial, advisory document with **no** legal authority under Massachusetts General Laws.

The procedures for creating a Legal Status of Roads map or an Official Map are very similar, except that Official Maps require legislative action, namely adoption of the map by Town Meeting vote. The research process for either kind of map can be involved, requiring investigation of Town and County records as well as extensive public input and feedback. In the end, one thing will distinguish the two kinds of maps: a Status of Roads map is not a legal document under Massachusetts General Laws, whereas an adopted Official Map is.

If in the future the Town of Peru wishes to use its Status of Roads map as a template for an Official Map, it can transform the advisory document into a powerful, legal land use tool, but it will also take on an added obligation for continuous monitoring of road status changes, which entails corresponding updates to the Official Map and reporting of the updates to the Registry of Deeds and the overseeing state agencies, namely the Massachusetts Department of Housing and Commonwealth Development (DHCD) and MassHighway. Table 1 (below) summarizes the benefits and responsibilities that come with either a Status of Roads map or an adopted Official Map.

TABLE 1. STATUS OF ROADS MAP AND OFFICIAL MAP CONSIDERATIONS

Status of Roads Map		Official Map	
Advantages	Disadvantages	Advantages	Disadvantages
▪ Provides a single visual display of legal status or questions of legal status of roads (ownership, maintenance and liability responsibilities). ▪ Does not require legislative	▪ A significant amount of effort and research are required to develop an accurate and meaningful Legal Status of Roads Map. ▪ Not a formal legal document	▪ Provides a tool for local land use control, particularly as related to ANR, subdivision and strip development. ▪ Provides a formal, authoritative	▪ A significant amount of effort and research are required to develop and maintain an accurate and meaningful Official Map. ▪ The map must be amended &

TABLE 1. STATUS OF ROADS MAP AND OFFICIAL MAP CONSIDERATIONS

Status of Roads Map		Official Map	
Advantages	Disadvantages	Advantages	Disadvantages
- action, public hearings, or Town Meeting adoption - Shows road distances, road layouts or locations, functional classes, other road characteristics	- with authority in cases of land use control or legal liability claims - Records may not agree on road characteristics; map will not settle disputes	- graphic depiction of locally accepted ways and parks. - Identifies ownership of all ways within a municipality. - Establishes official road distances and functional classes, road and park layouts or locations, other characteristics	- updated, with public hearings before the Select Board, each time a new way is added, discontinued or modified (M.G.L. Chap. 41, Sec. 81F). - To be most effective, an Official Map needs to be reinforced by corollary actions such as the discontinuance of roads and local zoning by-laws. - Requires updating and reporting to overseeing agencies if road and park characteristics change.

LEGAL STATUS OF ROADS TERMINOLOGY

In order to resolve the road status inconsistencies or questions identified on a Status of Roads map, the BRPC generally recommends that Towns pursue corollary affirmative actions. Many of these actions must be taken up by the Select Board and some may need to be approved by Town Meeting vote. Typically the actions requiring approval at Town Meeting can be laid out in a series of articles in the Town Warrant. (See Example Town Warrants on page 88). These actions (described below and in Table 2) will make certain that the statuses of roads in question are clarified and on record before Official Map adoption.

Discontinuance by Town Meeting vote under M.G.L. Chap. 82, Sec. 21 completely ends the public right of passage along a road or way: the Town ends all legal responsibility for the road's maintenance and its liability for use. In most cases, the discontinued road can no longer serve as frontage or access for development of land abutting the discontinued road, including strip or frontage development and Approval Not Required (ANR) development under the Subdivision Control Law (Chap. 41, Sec 81K-81GG). Depending on the Town's zoning by-laws and subdivision regulations, new development *can only occur* along land abutting a discontinued road via the full subdivision approval process, which gives the Town much greater control over the proposed development. Discontinuance is thus an important tool in controlling 1) legal responsibility and liability and 2) growth management.

Discontinuance of maintenance under M.G.L. Chap. 82, Sec. 32A is a relatively new law (approved May 27, 1983) and has yet to be extensively interpreted by the courts. BRPC's present understanding is that this action results in the cessation of the Town's responsibility for maintenance and liability for use of the road (so long as the road is adequately posted as not maintained), but the road remains a public way with a public right of passage, and with the potential for strip and ANR development. Discontinuance of maintenance in Section 32A is a Select Board action intended for roads that have become "abandoned and unused for ordinary travel and that the common convenience and necessity no longer requires said town way...to be maintained in a condition reasonably safe and convenient for travel...."

Statutory private ways are unique to Massachusetts. They are actually public roads, with public right of passage, but no responsibility by the Town for maintenance. Maintenance is provided by the abutters. This is a good option for the Select Board if it is unclear that the road in question meets the "unused for ordinary travel" requirements of M.G.L. Chap. 82, Sec. 32A but the Town wants to end maintenance and legal liability obligations for the road.* In practice, the Select Board can recommend discontinuing the

* NOTE: Towns can re-establish maintenance of a statutory private way or a portion of one by town ballot vote (M.G.L. Chap 40, Sec. 6D) or by a Town-wide by-law (M.G.L. Chap 40, Sec. 6N).

road in question by Town Meeting vote, and then lay it out as a statutory private way and recommend the Town vote to accept it as such at the same Town Meeting. According to a Massachusetts Supreme Judicial Court ruling (Casagrande v. Town of Harvard, 1979), statutory private ways are not considered sufficient for public access under the Subdivision Control Act, and therefore cannot be used as frontage for ANR lots or strip development. It is up to local interpretation of Town zoning and subdivision regulations to determine whether statutory private ways meet the public access requirements for the full subdivision approval process. In some cases, statutory private ways may have to be laid out again and accepted at Town Meeting as full-fledged Town roads, with public right of passage and maintenance.

Laying out or altering ways is prescribed by M.G.L. Chap 82, Sec. 21. A Select Board can add or alter roads, either public roads with maintenance or statutory private ways without, that may not appear on any map or that may have been discontinued or discontinued for maintenance but that the Town now requires for “ordinary travel.”

Table 2 (below) summarizes the procedures required to enact these various legal road actions.

TABLE 2. PROCEDURES FOR ALTERING LEGAL ROAD STATUSES

LEGAL ACTION	PROCEDURE
Discontinuance	1) Place a warrant article on the Town Meeting Warrant, following regular warrant article posting requirements (M.G.L. Chap. 39, Sec. 10) 2) If discontinuing a road before adoption of the Official Map, then the Planning Board must be allowed 45 days before the Town Meeting, if necessary, in which to comment and report to the meeting concerning the advisability of discontinuing the road in question (M.G.L. Chap. 41, Sec. 81 G-I). After adoption of the Official Map, Planning board review is not required, though the discontinuance must be noted on the Official Map (M.G.L. Chap. 41, Sec. 81H). 3) If the road in question is within 500 yards of an abutting Town, the Town of Peru must hold a public hearing, notifying the Select Board of the abutting Town and publishing notice of the hearing in a local newspaper. The Select Board of the abutting Town must also give written approval of the discontinuance. If after 90 days the abutting Town does not concur with the proposed discontinuance, the Town of Peru can request in writing that the Commissioner of MassHighway approve the discontinuance and proceed with the Town Meeting vote. No public hearing is required for roads more than 500 yards from an abutting Town. (M.G.L. Chap. 82, Sec. 21) 4) Vote at Town Meeting ▪ If the road in question was established by easement or if the road passes over Town land acquired for any purpose, a simple majority vote is required. (M.G.L. Chap. 82, Sec. 21) ▪ If the road in question was established by eminent domain vote, and the land under it acquired in fee by eminent domain, the road can be discontinued by majority vote but the land must be “abandoned” by two-thirds majority vote (M.G.L. Chap. 40, Sec. 15), otherwise the right of way will no longer allow public access but a strip of publicly owned land will remain. The warrant article can combine these two actions, if the Town sees fit, and the land will revert to the abutters at the right-of-way centerline if approved.
Discontinuing Maintenance	1) The Select Board must call a public hearing to discuss the proposed discontinuance of maintenance and post notice in a local newspaper once in each of two successive weeks, the first publication not less than 14 days before the hearing. 2) The Town must notify by registered mail, return receipt requested, all property owners abutting the affected road. 3) After the public hearing, the Select Board determines that the road has become “abandoned and unused for ordinary travel and that the common convenience and necessity no longer requires said town way...to be maintained in a condition reasonably safe and convenient for travel...” (M.G.L. Chap. 82, Sec. 32A) 4) If the Select Board approves the discontinuance of maintenance, the road must be clearly posted that it is no longer maintained and that travel is at an individual’s risk.

TABLE 2. PROCEDURES FOR ALTERING LEGAL ROAD STATUSES

LEGAL ACTION	PROCEDURE
	The road does, however, remain open to public travel.
Statutory Private Ways	1) The Select Board can lay out a way as a statutory private way and bring it before the town for approval by Town Meeting majority vote, just like any other road. 2) In cases where the Select Board would like to cease maintenance responsibility and legal liability for a road but cannot reach the decision under M.G.L. Chap 82, Sec. 32A that the road has been “abandoned and unused for ordinary travel...,” the Town could vote to discontinue the road by Town Meeting vote and (usually in the succeeding warrant article) approve a Select Board layout of the way as a statutory private way, thereby relieving the Town of the obligation of maintenance but retaining public access. 3) M.G.L. Chap. 86, Sec. 1 requires the Town to install permanent markers at the termini and angle points of a road layout. Absent these monuments, a new survey will be required for the new laying out.

For a fuller explanation of legal road status procedures, refer to *Discontinuing Town and County Roads* by Lynn Rubinstein and Alexandra Dawson, Esq. published by the Highlands Communities Initiative.

NOTE ABOUT THE TERMS “ABANDONED” AND “CLOSED”

Under Massachusetts General Laws, the terms “discontinue,” “close,” and “abandon” do not mean the same thing legally. As described above, discontinuance ends the public right of access along a road; the right-of-way ceases to exist legally and all land uses requiring public access along that discontinued portion of the road, such as Approval Not Required (ANR) subdivision development, disappear. In cases where the term “closed” is used, it is assumed that the term was intended to mean more or less the same thing as “discontinue”—that is, the cessation of legal public right of access. But it must be stipulated that Massachusetts General Laws do not define “closed” as they do “discontinued,” and therefore the designation “closed” may be subject to legal challenge.

“Abandonment” likewise has no official definition in Massachusetts General Laws. Though the Town of Peru may have voted at past Town Meetings to “abandon” roads, the Town has, according to current Massachusetts statutes, taken an indefinite, potentially challengeable legal position on the status of those roads. In most cases, the intent of the abandonment was most likely either to cease the Town’s responsibility for maintenance along a road or part of it or to discontinue the right of way altogether. As described above, M.G.L. Chap. 82, Sec. 32A requires that the Town vote to “discontinue maintenance” for roads that the Select Board has deemed “abandoned and unused for ordinary travel...” Where the Town intended to cease both maintenance and the public right of passage, M.G.L. Chap. 82, Sec. 21 requires that the Town vote to “discontinue” a Town way. The term “closed” does not appear in Massachusetts General Laws and should therefore not be used in establishing official road status changes.

It appears that the Town of Peru has done a good job covering its bases in many of its recent road records. The minutes of the Special Town Meeting of August 26, 1977, provided by Highway Superintendent Ron Radwich, use the term “discontinue and abandon” (see Article 5) for status changes to several Town roads. Where “discontinue” may have sufficed, “discontinue and abandon” makes the intention of the action abundantly clear and leaves no room for legal misunderstanding. The Town could reasonably continue to use that language in future road discontinuances.

ABANDONED ROADS AND ANR DEVELOPMENT

The Boston Globe has reported cases in other Massachusetts towns, notably Marshfield, where developers are actively seeking roadways that may be unused, or “abandoned,” but that were never legally discontinued. Developers have claimed that such roads provide legitimate access for “approval

not required” subdivisions, which a Planning Board must endorse so long as local zoning bylaws and subdivision regulations are met, as laid out in the Subdivision Control Law. “Abandoned” roads in Peru may therefore present land use quandaries if their status is not clarified legally before a developer approaches the Planning Board with an ANR subdivision plan. Affirmative road status actions and adoption of the Official Map should, according to MGL Chap. 41, Sec. 81E-I, clear up the statuses of any roads in question. The Planning Board should refer to the adopted Official Map when assessing all future development applications.

PAPER ROADS

Paper roads are roads that have been laid out and approved by the Select Board and/or Planning Board, often as subdivision roads, but were never in fact built. They may be drawn into approved subdivision plans or on an Assessor’s Map, but they do not exist on the ground. Paper roads can cause Town officials, abutters, developers, planners and others significant headaches if land claims or development rights or right-of-way debates come down to determining a definite legal status for one of these phantom roads. Town officials have a couple of options for dealing with paper roads, depending on how they were initially laid out. If a paper road was originally laid out as a Town Accepted road and the Town does not wish to use and maintain the right-of-way, the Town can discontinue the road by majority Town Meeting vote. (If the road in question was established by eminent domain vote, and the land under it acquired in fee by eminent domain, the road can be discontinued by majority vote but the land must be “abandoned” by two-thirds majority vote (M.G.L Chap. 40, Sec. 15), otherwise the right of way will no longer allow public access but a strip of publicly owned land will remain.) If, on the other hand, the Town does wish to use and maintain the paper road in question, the Select Board can lay it out again and it can be approved as a Town Accepted road at Town Meeting vote. Of course, the options of discontinuing maintenance or laying out the paper road as a statutory private way, as described in Table 2 (above), are also available.

If a paper road was laid out in a subdivision plan approved by the Planning Board—that is, if the road in question is a private subdivision way (and was never a Town Accepted road)—the Planning Board can rescind the subdivision plan, modify the roads so that their lay out conforms to existing conditions, and then reapprove the amended subdivision plan with the paper roads removed. BRPC recommends that a Planning Board identify all of the paper road amendments to be made in a given subdivision, then rescind the subdivision plan, modify each of the paper roads and reapprove the amended plan all at once. This method was recommended as one possible solution by former Mass. Dept. of Housing and Commonwealth Development Principal Land Use Planner Don Schmidt. In the Town of Peru’s case, a number of roads laid out in the Skyview Grove development are currently shown on the Assessor’s Map but were apparently never built. Before the Planning Board alters any of the Skyview Grove paper roads—or any other paper roads discovered in the Town of Peru—the BRPC recommends that prudent notice be given to abutters and any affected nearby landowners and, though it may not be required, a public hearing be held before any paper roads are removed from an approved subdivision plan or from the Assessor’s Map. If the Planning Board does act on any paper roads, it should notify the DHCD, MassHighway, the Registry of Deeds, Town Counsel and perhaps nearby property owners of all changes.

PRELIMINARY SURVEY OF ROADS

The BRPC presented Town of Peru Select Board Chair Bruce Marshall, Planning Board Chair Richard Roussin, and Planning Board member Rosemary Morton with a Town orthomap (see Map 1), a high-quality aerial photograph of the Town of Peru depicting a GIS overlay of roads listed in the 2002-2004 MassHighway Road Inventory File (RIF), the latest edition. The roads are color-coded according to jurisdiction (e.g. MassHighway, Town Accepted, Unaccepted or Unknown). The BRPC then compared the roads shown on the orthomap with roads shown on the last revision (1988) of the County Engineer’s *Map of Berkshire County* (see Map 2) and in the latest *Official Arrow Street Atlas of Western Massachusetts* (1998 edition; see Map 3). All inconsistencies in location, distance, naming and status

were cataloged. Several roads on the County Engineer's map were labeled "abandoned for use." Normally, the BRPC would verify the records of these road status changes by looking up any County Commissioners' Book and Page citations shown on the Engineer's Map at the Registry of Deeds in Pittsfield, MA. However, the Engineer's Map did not cite County Commissioners' records for any roads in Peru shown as "abandoned."

INVENTORY OF WAYS

In preparing the Town of Peru Status of Roads map, the BRPC assembled Table 3, a comparative inventory of all documented roads and ways within the Town of Peru. The table gives a comprehensive overview of the status of all Peru roads known or identified in the following sources: 1) the 2002-2004 MassHighway Road Inventory File (RIF), 2) the County Engineer's *Map of Berkshire County*, 3) the 1998 *Official Arrow Atlas of Western Massachusetts*, 4) the 1986 Town of Peru Assessor's Map, and most importantly 5) Town of Peru records, including a very detailed list of roads compiled by the Peru Historical Commission in 1979. Table 3 attempts to account as thoroughly as possible for discrepancies in road names, road locations, and road distances. Mileages shown in the table are derived either from MassHighway RIF data, from Town of Peru records, or from GIS digital measurement. The table includes the 1979 Historical Commission description for every road listed in that report or else some road status description based on one or more of the mapping sources. Some characteristics (e.g. accepted road names, accepted road distances, specific locations or endpoints) were indeterminable from information available to BRPC. In some cases, clarifying the status of a road may require some official action by the Select Board or by Town Meeting vote or both.

This road-by-road analysis should answer most of the questions about how roads, road names, and road legal status designations ended up on or off the Status of Roads map and why. It also provides a rough action plan for resolving questions of road status in the Town of Peru and for clarifying inconsistencies in the record. It should be emphasized that if Town of Peru officials ever intend to pursue an Official Map, they should act on the recommendations in Table 3 before the Official Map comes up for adoption at Town Meeting. Of course, many of the recommendations are sound planning actions generally. Recommendations that call for Select Board or Town Meeting action provide much of the language Town officials can use when drawing up Select Board motions or Town Meeting warrant articles. (See the Minutes of the August 26, 1977 Special Town Meeting at the end of the report.)

In addition to the printed version of Table 3 included in this report, the BRPC has provided the Town with a MS Word® version of the Table for ongoing updating or monitoring. The Table may be used as a running database of the legal statuses of all roads in the Town of Peru, and should be updated regularly so that it can serve as an effective tool of the Planning Board, Select Board, Assessor, Department of Public Works and Town Counsel, among others.

Table 3. Status of Roads in Peru, MA 2004

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in MassHighway RIF	Shown on Town of Peru Assessor's Map	Actual Distance of Road	Recommended Legal Status
Andes Road	Town of Peru	Town of Peru	✓	Not Shown	Town Accepted (0.68 miles)	✓		Town Accepted
Asahel Road	Town of Peru	Town of Peru	✓	Shown without name	Shown without name	Shown as Asahel Raymond Road		Town Accepted ▪ Notify MHD and DHCD of accepted name
Note: The MHD RIF does not actually list Asahel Road or Asahel Raymond Road, though it does show up in the MHD RIF GIS data layer as an unnamed Town Accepted road. The Town of Peru should notify MHD and DHCD of the correct name of the road.								
Ash Lane	Town of Peru	Town of Peru	✓	Not Shown	Town Accepted (0.43 miles)	✓	0.43 miles	Town Accepted
August Smith Road	Town of Peru	Town of Peru	✓	✓	Town Accepted (1.70 miles)	✓	1.70 miles	Town Accepted
Note: The minutes of the August 26, 1977 Special Town Meeting (Article 5) refer to the discontinuance of August Smith Road "northerly beyond Messenger's Corner." Select Board Chair Doug Haskins confirmed to BRPC that "Messenger's Corner" refers to the right-angle turn in the existing August Smith Road. Mr. Haskins, Highway Superintendent Ron Radwich, and Select Board member Jay Jewell told BRPC that the discontinued portion of this road is now owned by the Town of Dalton Fire District. The Status of Roads map shows August Smith Road from West Main Road to East Windsor Road as Town Accepted and the portions N of the right-angle bend as "discontinued," now under the administration of the Dalton Fire District.								
Beauman Road	Town of Peru	Town of Peru	Shown as Baumann Road	✓	Town Accepted (1.16 miles)	✓	1.16 miles	Town Accepted ▪ Clarify accepted name
Note: The MHD RIF, County Engineer's Map, and Town Assessor's Map show this way as Beauman Road. The Atlas Map shows it as Baumann Road. The Town should verify that this road was laid out as Beauman Road and not Baumann Road. If the road was laid out as Baumann Road, the Town should notify MHD and DHCD accordingly. The Status of Roads map shows road as a Town Accepted road, 1.16 miles in length, named Beauman Road.								
Birch Hill Road	Private	Private Abutters	✓	Not Shown	Not Accepted (0.06 miles)	✓	0.07 miles	Private Road
Note: The December 1997 List of Town Accepted and Unaccepted Roads, prepared by Highway Superintendent Ron Radwich and Town Clerk Mary Wheeler, shows Birch Hill Road as an unaccepted road 0.07 miles in length.								
Bonny Lane	Town of Peru	Town of Peru	✓	Not Shown	Town Accepted (0.51 miles)	✓	0.50 miles	Town Accepted
Note: The December 1997 List of Town Accepted and Unaccepted Roads, prepared by Highway Superintendent Ron Radwich and Town Clerk Mary Wheeler, shows Bonny Lane as an accepted road 0.50 miles in length.								
Brookside Road	Private	Private Abutters	✓	Not Shown	Not Accepted (0.38 miles)	✓	0.37 miles	Private Road

Table 3. Status of Roads in Peru, MA 2004

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in MassHighway RIF	Shown on Town of Peru Assessor's Map	Actual Distance of Road	Recommended Legal Status
	Note: The December 1997 List of Town Accepted and Unaccepted Roads, prepared by Highway Superintendent Ron Radwich and Town Clerk Mary Wheeler shows Brookside Road as an unaccepted road 0.37 miles in length.							
Bradshaw Road	Private	Does Not Apply	Not Shown	✓	Shown as Unknown	Shown as Discontinued	---	Discontinued
	Note: The County Engineer's Map shows this way, running E from Curtin Road to the Worthington line, as a Town road called Bradshaw Road. The MHD RIF shows the road as an unknown way. The minutes of the August 26, 1977 Special Town Meeting (Article 5) state that the Town voted unanimously to "discontinue and abandon" Bradshaw Road, and the Assessor's Map shows the road as "discontinued." The Status of Roads map shows Bryan Road as "discontinued."							
Bryan Road	Private	Does Not Apply	Not Shown	Shown as Tom Bryan Road	Shown as Unknown	Not Shown	---	Discontinued
	Note: The County Engineer's Map shows this way, running E from Curtin Road to the Worthington line, as a Town road called Tom Bryan Road. The MHD RIF shows the road as an unknown way. The minutes of the August 26, 1977 Special Town Meeting (Article 5) state that the Town voted unanimously to "discontinue and abandon" Bryan Road. The Status of Roads map shows Bryan Road as "discontinued."							
Causeway Road	Private	Private Abutters	✓	Shown as "Abandoned for Use"	Not Accepted (0.42 miles)	✓	0.42 miles	Private Road ■ Consider Discontinuing & Laying Out as Statutory Private Way
	Note: The County Engineer's Map shows Causeway Road as an unnamed Town Accepted road "abandoned for use." No County Commissioners' Book and Page citation are listed. The December 1997 List of Town Accepted and Unaccepted Roads, prepared by Highway Superintendent Ron Radwich and Town Clerk Mary Wheeler, shows Causeway Road as an unaccepted road 0.42 miles in length. The Town should consider voting at Town Meeting to discontinue the road in order to show explicitly in Town records that the Town has officially released itself from all legal obligations for Causeway Road and then vote to accept a Select Board layout of the road as a statutory private way. Voting to discontinue a previously "abandoned" or discontinued road does not establish that it ever was an accepted road, but by approving a Select Board layout as a statutory private way the road will retain a public right of passage with the obligation of maintenance officially transferred to the abutters, which would effectively formalize the existing situation. The Status of Roads Map shows Causeway Road as a Town road – to be a statutory private way 0.42 miles in length.							
Cornell Lane	Private	Private Abutters	✓	Not Shown	Not Accepted (0.27 miles)	✓	0.27 miles	Private Road
	Note: The December 1997 List of Town Accepted and Unaccepted Roads, prepared by Highway Superintendent Ron Radwich and Town Clerk Mary Wheeler, shows Cornell Lane as an unaccepted road 0.27 miles in length.							
Cross Road	Private	Does Not Apply	Not Shown	Not Shown	Not Listed	Not Shown	---	Discontinued
	Note: The minutes of the August 26, 1977 Special Town Meeting state that the Town voted unanimously to "discontinue and abandon" the "entire length" of Cross Road. No other records or maps show Cross Road. The Status of Roads map does not show Cross Road.							

Table 3. Status of Roads in Peru, MA 2004

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in MassHighway RIF	Shown on Town of Peru Assessor's Map	Actual Distance of Road	Recommended Legal Status
Curtin Road	Town of Peru	Town of Peru	✓	✓	Town Accepted (2.58 miles)	✓	2.58 miles	Town Accepted
	Note: The Assessor's Maps #12 and #16 show the way that extends S from the roughly 90-degree turn in Curtin Road as "Curtin Road," not Curtin Road Extension or any other name. The MHD RIF shows that way as an unnamed, unknown road, but Highway Superintendent Ron Radwich, Select Board Chair Doug Haskins, and Select Board member Jay Jewell told BRPC that that extension to the S is a private road called "Curtin Road Extension." (See Curtin Road Extension below.)							
Curtin Road Extension	Unknown	Unknown	Not Shown	Shown as "Abandoned for Use"	Shown as "Unknown"	Shown as "Curtin Road"	---	Private Road
	Note: As described above, this road is listed in the Assessor's Map as "Curtin Road," not Curtin Road Extension. The MHD RIF shows the way as an unnamed, "unknown" road, but Town officials told BRPC that it is in fact a private road serving access to several residential parcels. The Status of Roads map shows the way as a private road named Curtin Road Extension.							
David Drive	Town of Peru	Town of Peru	✓	Not Shown	Town Accepted (0.21 miles)	✓	0.20 miles	Town Accepted
	Note: The MHD RIF and Atlas Map show David Drive as a residential road running N from Rita Road, parallel to Bonny Lane, to a dead end. The Assessor's Map shows David Drive intersecting Michael Road at the N, which connects to Bonny Lane. BRPC orthomaps show that Michael Road is a paper road, laid out and most likely approved but never built. The Status of Roads map shows David Drive as a Town Accepted way, running 0.20 miles N from Rita Road, to a dead end.							
Dyke Road	Private	Private Abutters	✓	Not Shown	Not Accepted (0.57 miles)	✓	0.09 miles	Private Road ▪ Clarify location and distance
	Note: The MHD RIF and Assessor's Map show Dyke Road as the small way connecting Brookside Road to Lakeview Road. The Atlas Map shows Dyke Road running from South Road Extension, where the other maps show Brookside Road beginning, to Lakeview Road. The December 1997 List of Town Accepted and Unaccepted Roads, prepared by Highway Superintendent Ron Radwich and Town Clerk Mary Wheeler, shows that Dyke Road is an unaccepted road 0.29 miles in length. According to BRPC's GIS calculation, the length of Dyke Road, as shown on the Assessor's Map, is only 0.09 miles. The MHD shows the distance for Dyke Road as 0.57 miles; that may include what appears to be an otherwise unnamed, unaccepted road continuing Dyke Road E across Lakeview Road and then N parallel to Lakeview Road, but Town officials and the Assessor's Map do not consider that extension to be any road, let alone a continuation of Dyke Road. The Town should clarify the location and distance of Dyke Road. The Status of Roads Map shows Dyke Road as a private road, running between Brookside Road and Lakeview Road, a distance of 0.09 miles.							
East Main Road	Town of Peru	Town of Peru	✓	Shown as "Main Road"	Shown as "Main Road"	Shown as "Main Road"		Town Accepted as Main Road ▪ Clarify name with MHD and DHCD
	Note: The MHD RIF, Assessor's Map and County Engineer's Map all show this road (and the entirety of MA Route 143 through the Town of Peru) as "Main Road," without distinguishing between West Main Road and East Main Road. The Atlas Map, however, shows MA Route 143 from the Town of Hinsdale line W to the North Road/South Road intersection as West Main Road and the portion E of that intersection as East Main Road. The Town convention is to distinguish							

Table 3. Status of Roads in Peru, MA 2004

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in MassHighway RIF	Shown on Town of Peru Assessor's Map	Actual Distance of Road	Recommended Legal Status
the West and East portions of MA Route 143 (postal addresses, for instance, refer to West Main Road and East Main Road), so in order to avoid further confusion in the records the Town could consider voting at Town meeting to discontinue the entirety of Main Road (MA Route 143) (this will simply wipe the slate clean), then vote at the same Town Meeting to accept Select Board layout of the portion of MA Route 143 from the Town of Hinsdale line W to the North Road/South Road intersection as West Main Road and the portion E of that intersection as East Main Road. This will establish an official record of the road name convention already used in practice. The Status of Roads map shows East Main Road running from the North Road/South Road intersection E to the Worthington line. (See Main Road and West Main Road)								
East Windsor Road	Town of Peru	Town of Peru	✓	✓	Town Accepted (4.03 miles)	✓		Town Accepted
Fassell Road	Town of Peru	Town of Peru	Shown as "Old Middlefield Road"	✓	Not Listed	Shown on Assessor's Index Map		Town Accepted as Matteau Road - Clarify name with Matteau Road & Old Middlefield Rd. - Consider formalizing maintenance agreement with Hinsdale & Washington
Note: The Assessor's Map shows this road as Fassell Road, while the Atlas Map shows it as Old Middlefield Road and the MHD RIF shows it as Matteau Road. The Highway Superintendent Ron Radwich, Select Board Chair Doug Haskins, and Select Board member Jay Jewell told BRPC that the current conventional name for this road in the Town of Peru is Matteau Road. They explained that the Town of Hinsdale and the Town of Washington maintain this road, but the Town of Peru has no formal agreement or written contract with the other Towns. BRPC recommends that the Town of Peru formalize the agreement for maintenance with the other towns. The Status of Roads map shows this road as a Town Accepted road named Matteau Road, 0.13 miles in length. (See Matteau Road and Old Middlefield Road)								
Frery Road	Town of Peru	Town of Peru	✓	Shown as partially "Abandoned for Use"	Town Accepted (0.23 miles)	Shown as "Old Windsor Road" (Map #42)	0.22 miles	Town Accepted 0.22 miles N from E Windsor Road
	Note: The MHD RIF and Atlas Map show this road leading approximately 0.23 miles N from the rounded right-angle bend in East Windsor Road to the Peru State Wildlife Management Area. The County Engineer's Map shows the road as a Town Accepted way leading approximately 0.3 miles N from the East Windsor Road intersection then becoming "Abandoned for Use" through the Peru Wildlife Management Area to the Town of Windsor line. The Assessor's Map Index map shows the entire road from East Windsor Road to the Town of Windsor line as "Frery Road." However, the road shown on Assessor's Map #37 as "Frery Road" continues N on Assessor's Map #42 as "Old Windsor Road." The Assessor's Map shows no indication of ceased maintenance along any part of the road. The minutes of the August 26, 1977 Special Town Meeting (Article 5) show that the Town officially voted to "discontinue and abandon" Frery Road "beyond 0.22 of a mile." The Status of Roads map shows Frery Road leading 0.22 miles N of East Windsor Road, with the remaining portion discontinued.							
Garnet Mountain Lane	Private	Private Abutters	✓	Not Shown	Not Accepted (0.55 miles)	Shown as "Garnet Mountain Lane" W from Cornell	0.55 miles	Private Road from South Road to South Road Extension

Table 3. Status of Roads in Peru, MA 2004

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in MassHighway RIF	Shown on Town of Peru Assessor's Map	Actual Distance of Road	Recommended Legal Status
						Lane & as "Garnet Lane" E from Cornell Lane		
	Note: The Assessor's Map shows "Garnet Mountain Lane" from South Road W to the Cornell Lane intersection and "Garnet Lane" E of that intersection to South Road Extension. The name "Garnet Lane" does not appear in other records. BRPC staff assumed that the Assessor's Map designation should say, "Garnet Mountain Lane" for the entire road, from South Road E to							
Gentian Hill Road	Private	Private Abutters	✓	Not Shown	Not Accepted (0.33 miles)	✓	0.33 miles	Private Road
	Note: The Atlas Map shows Gentian Hill Road in the SW of Peru leading approximately 0.33 miles E from the Town of Hinsdale line then continuing N as "Ridge Road." The Assessor's Map shows the road as Gentian Hill Road E from the Town of Hinsdale line, including the portion N almost connecting to a "proposed" Stephanie Lane. The MHD RIF shows that Gentian Hill Road leads approximately 0.33 miles E from the Town of Hinsdale line then turns N onto Ridge, which dead ends after 0.11 miles							
Greylock Circle	Private	Private Abutters	✓	Not Shown	Listed as Grey Lock Circle	✓		Private Road ▪ Clarify name and status of "Unknown" leg and perimeter extending S
	Note: The Assessor's Map shows Greylock Circle with a roughly 90-degree turn at the SW connecting the circle back to South Road. The 2001 Town of Peru orthomap (large aerial photograph) shows that leg of the circle as an "Unknown" road 0.04 miles in length and also shows a road, classified as part of Greylock Circle in the MHD RIF, continuing the perimeter of the circle to the S of the "Unknown" leg and connecting with South Road. The "Unknown" leg does not appear to have built residences off of it, though it does provide frontage for Parcel #12 on Assessor's Map #14 and Parcel #1 on Assessor's Map #15. The Status of Roads map shows both the "Unknown" leg and the perimeter extending S as part of Greylock Circle. The Town should clarify whether or not either of those roads is named separately.							
Haskell Road	Town of Peru	Town of Peru	✓	✓	Town Accepted (0.87 miles)	✓		Town Accepted 0.99 miles from Middlefield Road
	Note: The minutes of the August 26, 1977 Special Town Meeting show that Haskell Road was discontinued "beyond 0.99 of a mile between Haskell house and Hughes place." The Assessor's Map, published in 1990, still shows Haskell Road extending NE from Middlefield Road near the Town of Peru line to South Road. The MHD RIF shows only 0.87 miles of Haskell Road as Town Accepted, and it lists the 0.15-mile stretch extending W from South Street as West Haskell Road. BRPC orthomaps confirm that the way between the end of 0.99-mile portion of Haskell Road and the end of the 0.15-mile portion of West Haskell Road is not a passable way and has been "discontinued." Since the Town has already voted to discontinue the unused portion of the road, no action is necessary, but BRPC recommends that the Town update its Assessor's Map to show the 1977 change and notify MHD and DHCD of the proper names, distances and locations of Town Accepted Haskell Road and West Haskell Road. The Status of Roads Map shows Haskell Road as a Town Accepted road extending NE 0.99 miles from Middlefield Road near the Town of Peru line, with the portion beyond shown as discontinued. (See West Haskell Road)							
Hickingbotham Road	Town of Peru	Town of Peru	✓	✓	Town Accepted (1.62 miles)	✓	1.63 miles	Town Accepted

Table 3. Status of Roads in Peru, MA 2004

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in MassHighway RIF	Shown on Town of Peru Assessor's Map	Actual Distance of Road	Recommended Legal Status
Highpoint Road	Private	Private Abutters	Not Shown	Not Shown	Not Listed	✓ (Paper Road)		Paper Road ▪ Consider rescinding subdivision plan and reapproving without Highpoint Road
	Note: Highpoint Road appears only on the Assessor's Map as a private subdivision way laid out as Part of the Skyview Grove development that straddles the Town of Peru and Town of Hinsdale line. BRPC orthomaps show that the way was never actually built on the ground. It is a "paper road." Former DHCD Principal Land Use Planner Don Schmidt advised BRPC that a Town Planning Board could rescind the subdivision plan and reapprove it with the paper roads removed. If the Town decides to pursue this method of clarification, it should be applied simultaneously to all paper roads in the Peru part of the Skyview Grove development. Care should be taken not to "lock out" property owners of parcels requiring frontage on paper roads, even if no buildings are now present on their parcels. The Status of Roads map does not show Highpoint Road.							
Hill Road	Private	Private Abutters	✓	Not Shown	Not Listed	✓		Private Road
	Note: Hill Road is a subdivision road in the Skyview Grove Development, leading NE from Stone Road. The Status of Roads Map shows it as a private road 0.08 miles in length.							
Hillside Road	Private	Private Abutters	✓	Not Shown	Not Accepted (0.05 miles)	✓	0.05 miles	Private Road
	Note: Hillside Road is a subdivision road in the Skyview Grove Development, leading N from Pine Road. The Status of Roads Map shows it as a private road 0.05 miles in length.							
Hilltop Road	Town of Peru	Town of Peru	✓	Not Shown	Town Accepted (0.12 miles)	✓	0.12 miles	Town Accepted
	Town of Peru	Town of Peru	✓	Shown in Wrong Location	Town Accepted (0.92 miles)	✓	0.92 miles	Town Accepted
Kreutzer Road	Note: The County Engineer's Map shows Kreutzer Road as a Town road running W to E from Curtin Road to Strong Road. This way does not appear on any other map; the County Engineer's Map shows the Kreutzer Road shown on all other maps as "abandoned for use." The MHD RIF, Atlas Map, and Assessor's Map all show that way as the existing Kreutzer Road, leading 0.92 miles SE from Curtin Road to a dead end. Where Kreutzer Road once intersected Strong Road, the MHD RIF, Atlas Map and Assessor's Map show a short continuation to the S as part of Kreutzer Road. The minutes of the August 26, 1977 Special Town Meeting indicate that Strong Road was discontinued N of that turn and Kreutzer Road was discontinued S beyond the current dead end to Curtin Road. The Status of Roads map shows Kreutzer Road as a Town Accepted road leading 0.92 miles SE to a dead end, with a discontinued portion of Strong Road to the N and the discontinued portion of Kreutzer Road to the S. The Status of Roads map also shows the way labeled "Kreutzer Road" on the County Engineer's map as Town Accepted — unknown status. Whether or not a road ever existed as shown on the County Engineer's Map, the Town may wish to vote at Town Meeting to discontinue the way, in order to rule out legal confusion in the future.							
Lafayette Drive	Town of Peru	Town of Peru	✓	Not Shown	Town Accepted (0.32 miles)	✓	0.32 miles	Town Accepted

Table 3. Status of Roads in Peru, MA 2004

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in MassHighway RIF	Shown on Town of Peru Assessor's Map	Actual Distance of Road	Recommended Legal Status
Lakeview Road	Private	Private Abutters	✓	Not Shown	Not Accepted (0.32 miles)	✓	0.31 miles	Private Road
Lakeview Road Extension	Private	Private Abutters	✓	Not Shown	Not Accepted (0.16 miles)	✓	0.16 miles	Private Road
Note: The Assessor's Map shows this way extending S from the intersection of Dyke Road and Lakeview Road, but it does not show a name for the road. Since the MHD RIF and the Atlas Map both list this way as Lakeview Road Extension, the Status of Roads map shows it named the same.								
Lee Road	Private	Private Abutters	✓	Not Shown	Not Accepted (0.02 miles)	✓ (Partially Paper Road)	0.01 miles	Private Road ▪ Consider rescinding subdivision plan and reapproving without unbuilt portion of Lee Road
Note: Lee Road is a subdivision road in the Skyview Grove Development, leading E from Spruce Road. The Assessor's Map shows Lee Road connecting Spruce Road and Stone Road at the S, but BRPC orthomaps show that the eastern half of Lee Road was never built. Former DHCD Principal Land Use Planner Don Schmidt advised the BRPC that a Town Planning Board could rescind the subdivision plan and reapprove it with the paper roads removed. If the Town decides to pursue this method of clarification, it should be applied simultaneously to all paper roads in the Peru part of the Skyview Grove development. Care should be taken not to "lock out" property owners of parcels requiring frontage on paper roads, even if no buildings are now present on their parcels. The Status of Roads map shows Lee Road as a private road 0.01 miles in length but does not show the unbuilt eastern portion of the road.								
Leo Road	Private	Private Abutters	Not Shown	Not Shown	Not Listed	✓ (Paper Road)		Paper Road ▪ Consider rescinding subdivision plan and reapproving without Leo Road
Note: The Assessor's Map shows Leo Road as a subdivision road in the Skyview Grove Development, leading N from Pine Road across the Town of Hinsdale Road. BRPC orthomaps show that Leo Road was never actually built on the ground. It is a "paper road." Former DHCD Principal Land Use Planner Don Schmidt advised the BRPC that a Town Planning Board could rescind the subdivision plan and reapprove it with the paper roads removed. If the Town decides to pursue this method of clarification, it should be applied simultaneously to all paper roads in the Peru part of the Skyview Grove development. Care should be taken not to "lock out" property owners of parcels requiring frontage on paper roads, even if no buildings are now present on their parcels. The Status of Roads map shows Lee Road as a private road 0.01 miles in length but does not show the unbuilt eastern portion of the road.								

Table 3. Status of Roads in Peru, MA 2004

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in MassHighway RIF	Shown on Town of Peru Assessor's Map	Actual Distance of Road	Recommended Legal Status
Main Road	Town of Peru	Town of Peru	Shown as West Main Road & East Main Road	✓	✓	✓	See West Main Road & East Main Road	Consider officially laying out as East Main Road and West Main Road
Note: The MHD RIF lists all of MA Route 143 as Main Road, but the Atlas shows the section of MA Route 143 from the Hinsdale line to the North Road/South Road intersection as West Main Road and the portion of MA Route 143 E to the Worthington line is shown as East Main Road. Because postal addresses and road signs in the Town of Peru refer to West Main Street and East Main Street, the Status of Roads map uses that convention. If the Town can not find records of having laid out the portions of Main Road as West Main Road and East Main Road, the Select Board can consider laying out both segments and having them officially approved at Town Meeting. The Town should notify MHD and DHCD of all accepted names, distances and locations and any changes.								
Marlow Drive	Town of Peru	Town of Peru	✓	Not Shown	Town Accepted (0.37 miles)	✓	0.37 miles	Town Accepted
Note: The Status of Roads map shows Marlow Drive as a Town Accepted road leading 0.37 miles S from West Main Road (MA Route 143) to a dead end.								
Matteau Road	Town of Peru	Town of Peru	Shown as Old Middlefield Road	✓	✓	Shown as Fassell Road	0.13 miles	Town Accepted - Clarify name with Old Middlefield - Consider formalizing maintenance agreement with Hinsdale & Washington
Note: The MHD RIF shows this way as Matteau Road, while the Atlas Map shows this way as Old Middlefield Road, and the Assessor's Map shows it as Fassell Road. Highway Superintendent Ron Radwich, Select Board Chair Doug Haskins, and Select Board member Jay Jewell told BRPC that in the Town of Peru the current conventional name for this road is Matteau Road. They explained that the Town of Hinsdale and the Town of Washington maintain this road, but the Town of Peru has no formal agreement or written contract with the other Towns. BRPC recommends that the Town of Peru formalize the agreement for maintenance with the other towns. The Status of Roads map shows this road as a Town Accepted road named Matteau Road, 0.13 miles in length.								
Middlefield Road	Town of Peru	Town of Peru	✓	✓	Town Accepted (3.58 miles)	✓	3.58 miles	Town Accepted
Michael Road	Unknown	Unknown	Not Shown	Not Shown	Not Listed	✓ (Paper Road)		
Note: The Assessor's Map shows Michael Road as a private road connecting David Drive and Bonny Lane on the N. BRPC orthomaps show that Michael Road was never actually built on the ground. It is a "paper road." Former DHCD Principal Land Use Planner Don Schmidt advised the BRPC that a Town Planning Board could rescind the subdivision plan in which a paper road was laid out and reapprove the plan with the paper road removed. If the Town decides to pursue this method of clarification, it should be applied simultaneously to all paper roads in the subdivision in question. Care should be taken not to "lock out" property owners of parcels requiring frontage on paper roads, even if no buildings are now present on their parcels. The Status of Roads map does not show Michael Road.								

Table 3. Status of Roads in Peru, MA 2004

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in MassHighway RIF	Shown on Town of Peru Assessor's Map	Actual Distance of Road	Recommended Legal Status
Minsters Road	Town of Peru	Town of Peru	Listed as Minister Road	Shown Without Name	✓	Not Shown	0.12 miles	Town Accepted as Minsters Road
Mongue Road	Town of Peru	Town of Peru	✓	✓	Town Accepted (0.49 miles)	✓	0.75 miles	Town Accepted 0.75 miles N from East Main Road
Note: The County Engineer's Map shows Mongue Road as a Town Road running N from East Main Road to an intersection with East Windsor Road. The Assessor's Map shows the same, but Mongue Road is shown as a secondary way (dashed lines). The minutes of the August 26, 1977 Special Town Meeting (Article 5) show that the Town voted to discontinue Mongue Road "beyond 0.75 of a mile." The Status of Roads map shows Mongue Road as a Town Accepted road leading N 0.75 miles from East Main Road then as a discontinued road N to the intersection with East Windsor Road.								
North Road	Town of Peru	Town of Peru	✓	✓	Town Accepted (1.21 miles)	✓	1.21 miles	Town Accepted
O'Brien Lane	Town of Peru	Town of Peru	Shown as Yale Road	Shown Without Name	Listed as Obrien Lane	Shown as Bashin Hill Road	0.19 miles	Town Accepted as O'Brien Lane
Note: Since each map refers to this way by a different name, BRPC recommends that the Town vote at Town Meeting to discontinue the road (to wipe the slate clean) then at the same Town Meeting vote approve a Select Board layout of the road as one of the various names—O'Brien Lane, for instance. Highway Superintendent Ron Radwich, Select Baord Chair Doug Haskins, and Select Board member Jay Jewell told BRPC that in the Town of Peru the current conventional name for this road is O'Brien Lane. After the Town determines an official name for the road, Town officials should notify MHD and DHCD. The Status of Roads Map shows the way as a Town Accepted road named O'Brien Lane.								
Old Middlefield Road	Town of Peru	Town of Peru	✓	Shown as Matteau Road	Listed as Matteau Road (0.13 miles)	Shown as Fassell Road	0.13 miles (Matteau Road)	Town Accepted as Matteau Road - Clarify name with Matteau Road & Old Middlefield Rd. - Consider formalizing maintenance agreement with Hinsdale & Washington
Note: The Atlas Map shows this way as Old Middlefield Road, while the MHD RIF shows it as Matteau Road and the Assessor's Map shows it as Fassell Road. Highway Superintendent Ron Radwich, Select Baord Chair Doug Haskins, and Select Board member Jay Jewell told BRPC that in the Town of Peru the current conventional name for this road is Matteau Road. They explained that the Town of Hinsdale and the Town of Washington maintain this road, but the Town of Peru has no formal agreement or written contract with the other Towns. BRPC recommends that the Town of Peru formalize the agreement for maintenance with the other towns. The Status of Roads map shows this road as a Town Accepted road named Matteau Road, 0.13 miles in length.								
"Old Town Roads"	Unknown	Unknown	Not Shown	Not Shown	Not Listed	Not Shown	---	Unknown

Table 3. Status of Roads in Peru, MA 2004

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in MassHighway RIF	Shown on Town of Peru Assessor's Map	Actual Distance of Road	Recommended Legal Status
Note: The minutes of the August 26, 1977 Special Town Meeting (Article 5) refer to the discontinuance of several different roads, each called an Old Town Road. For the most part, these roads correspond to many of the roads shown on the County Engineer's Map as "abandoned for use" but without County Commissioners' Book and Page citations. See the copy of the Special Town Meeting minutes included in this report.								
Old Windsor Road	Unknown	Unknown	Not Shown	Shown as "Abandoned for Use"	Not Shown	Shown on Map #42 as Extension of Frary Road	---	Consider Discontinuance
	Note: The Assessor's Map #42 shows "Old Windsor Road" as the northern continuation of Frary Road, running to the Town of Windsor line. This name does not appear on any other record turned up in this study. The County Engineer's Map shows the road as an "Abandoned for Use" portion of Frary Road, but it does not show any County Commissioners' Book and Page citation. Since the Town already voted in 1977 to discontinue this portion of the road, as Frary Road, it may not be necessary to take any action on "Old Windsor Road," though it would do no harm to vote at Town Meeting to discontinue the road under that name, too. The Status of Roads map shows this road as the discontinued portion of Frary Road.							
Orpin Road	Town of Peru	Town of Peru	✓	✓ (Partially Discontinued)	Town Accepted (0.33 miles)	✓ (Partially Discontinued)	0.34 miles	Town Accepted 0.34 miles E from East Main Road
	Note: The County Engineer's Map and Assessor's Map confirm the discontinuance of Orpin Road "beyond 0.34 of a mile or the Biegel house," referred to in the minutes of the August 26, 1977 Special Town Meeting (Article 5). The County Engineer's map does not show any County Commissioners' Book and Page citation. The Status of Roads map shows Orpin Road as a Town Accepted way leading 0.34 miles E from East Main Road to the Town of Worthington line.							
Pierce Road	Town of Peru	Town of Peru	✓	✓	Town Accepted (1.66 miles)	✓	1.66 miles	Town Accepted
Pine Road	Private	Private Abutters	✓	Not Shown	Not Accepted (0.06 miles)	✓	0.06 miles	Private Road
	Note: Pine Road is a subdivision road in the Skyview Grove Development, leading E from the Town of Hinsdale line. The Status of Roads Map shows it as a private road 0.06 miles in length.							
Raymond Road	Town of Peru	Town of Peru	✓	✓	Town Accepted (0.47 miles)	✓	0.47 miles	Town Accepted
Rice Road	Private	Private Abutters	✓	Not Shown	Shown as Unknown	Shown as a dashed road	0 miles	Private Road
	Note: The minutes of the August 26, 1977 Special Town Meeting (Article 5) show that the Town voted to discontinue "the entire length" of Rice Road. If a regularly used way still exists near the intersection of South Road E to the Rice Wildlife Management Area, the Town could consider voting at Town meeting to approve a Select Board layout of that portion of the way as a statutory private way, thereby allowing public right of access without the risk of Town legal or maintenance obligations. For now, the Status of Roads map shows the entire length of Rice Road as discontinued.							

Table 3. Status of Roads in Peru, MA 2004

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in MassHighway RIF	Shown on Town of Peru Assessor's Map	Actual Distance of Road	Recommended Legal Status
Ridge Road	Private	Private Abutters	✓	Not Shown	✓	Not Shown	0.11 miles	Private Road ■ Consider rescinding subdivision plan, if any, and reapproving it with Ridge Road
Note: The MHD RIF and the Atlas Map show Ridge Road as the continuation of Gentian Hill Road to the N, ending in a dead end. The Assessor's Map shows the way as Stephanie Lane, leading N then W to connect to Stephanie Lane in Hinsdale. BRPC orthomaps show that the road is not built beyond 0.11 miles. If the road was laid out as part of a subdivision plan, the Planning Board can rescind the plan and reapprove it with the northern continuation of Gentian Hill Road (extending 0.11 miles) named Ridge Road and any portion beyond removed. This will avoid confusion with the other Stephanie Lane leading S from Gentian Hill Road to a dead end. The December 1997 List of Town Accepted and Unaccepted Roads, prepared by Highway Superintendent Ron Radwich and Town Clerk Mary Wheeler, shows Ridge Road as an "Unaccepted," or private, road 0.09 miles in length. The BRPC GIS shows that the way is approximately 0.11 miles in length. The Status of Roads map show Ridge Road as a private road 0.11 miles in length.								
Rita Road	Town of Peru	Town of Peru	✓	Not Shown	Town Accepted (0.09 miles)	✓	0.09 miles	Town Accepted
Note: The December 1997 List of Town Accepted and Unaccepted Roads, prepared by Highway Superintendent Ron Radwich and Town Clerk Mary Wheeler, shows Rita Road as a New Accepted road as of January 4, 1992, 0.09 miles in length. The Status of Roads map show Rita Road as a Town Accepted road 0.09 miles in length.								
South Road	Town of Peru	Town of Peru	✓	✓	Town Accepted (2.57 miles)	✓	2.57 miles	Town Accepted from Main Road forking W to Middlefield Road
Note: The cartographic record is not clear on the endpoints of South Road and South Road Extension. The County Engineer's Map and Assessor's Map show South Road leading S from Main Road (MA Route 143), then forking both W and SE to two separate intersections with Middlefield Road. Neither map show South Road Extension anywhere along those lengths. The MHD RIF and the Atlas Map, however, show South Road leading S from Main Road (MA Route 143) and forking W to the intersection with Middlefield Road. Both maps show the SE fork leading to another intersection with Middlefield Road in Peru State Forest as South Road Extension. By convention, the Town refers only to the portion leading from Main Road and forking W to Middlefield Road as South Road, a distance of approximately 2.57 miles. The Status of Road map shows South leading S from Main Road (MA Route 143) and forking W to Middlefield Road. (See South Road Extension below.)								
South Road Extension	Town of Peru	Town of Peru	✓	Not Shown	Town Accepted (1.17 miles)	Not Shown	1.17 miles	Town Accepted from South Road to Middlefield Road

Table 3. Status of Roads in Peru, MA 2004

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in MassHighway RIF	Shown on Town of Peru Assessor's Map	Actual Distance of Road	Recommended Legal Status
	Note: Though the County Engineer's Map and Assessor's Map do not distinguish South Road Extension from South Road, the MHD RIF and Atlas Map do. Also, the convention in the Town is to refer to the portion of the road leading S from the South Road fork to Middlefield Road in Peru State Forest as South Road Extension. The Status of Roads map shows South Road Extension leading S from the South Road fork to the intersection with Middlefield Road in Peru State Forest, a distance of approximately 1.17 miles. (See South Road above.)							
Spruce Drive	Private	Private Abutters	✓	Not Shown	Town Accepted (0.31 miles)	✓	0.31 miles	Town Accepted
	Note: The Status of Roads map shows Spruce Drive as a Town Accepted road leading E then N from Andes Road, a distance of approximately 0.31 miles.							
Spruce Road	Private	Private Abutters	✓	Not Shown	Not Accepted (0.04 miles)	✓	0.06 miles	Private Road
	Note: Spruce Road is a subdivision road in the Skyview Grove Development, leading S from Pine Road along the Town of Hinsdale line to Lee Road. The Status of Roads Map shows it as a private road 0.06 miles in length.							
Stephanie Lane	Private	Private Abutters	✓	Not Shown	Not Accepted (0.20 miles)	✓	0.20 miles	Private Road
	Note: Stephanie Lane is a private road running S from Gentian Hill Road. The Assessor's Map shows another way named Stephanie Lane leading N from the end of Gentian Hill Road. The first portion of that way is now called Ridge Road and the portion beyond was never built. The MHD RIF GIS data layer shows an unnamed, unaccepted extension running ESE from the end of the accepted Stephanie Lane. The December 1997 list of accepted and unaccepted roads, prepared by Highway Superintendent Ronald Radwich, shows Stephanie Lane as an unaccepted (private) road 0.20 miles in length. The Status of Roads map shows only the actively used private road but not the unknown extension.							
Strong Road	Town of Peru	Town of Peru	✓	Shown partially "Abandoned for Use"	Town Accepted (0.67 miles)	✓	0.70 miles	Town Accepted 0.70 miles S of East Main Road
	Note: Strong Road leads 0.7 miles S from the intersection of East Main Road and Orpin Road. The MHD RIF gives the road's distance as 0.67 miles, but the August 26, 1977 Special Town Meeting minutes state that the Town voted unanimously to "discontinue and abandon" Strong Road "beyond 0.7 miles or Farmer's house." The Assessor's Map shows dashed lines for the portion beyond 0.7 miles. The Status of Roads map shows Strong Road leading 0.70 miles S from the East Main Road/Orpin Road intersection to a dead end, with a discontinued portion beyond.							
Weeks Road	Town of Peru	Town of Peru	✓	Shown without name	Town Accepted (0.23 miles)	✓	0.23 miles	Town Accepted
	Note: The Status of Roads map shows Weeks Road as a Town Accepted road leading 0.23 miles E from the intersection of Asahel Road and North Road.							

Table 3. Status of Roads in Peru, MA 2004

Name of Road	Owner of Right-of-Way	Maintenance/Legal Responsibility	Status on Atlas Map	Status on County Engineer's Map	Status in MassHighway RIF	Shown on Town of Peru Assessor's Map	Actual Distance of Road	Recommended Legal Status
West Haskell Road	Town of Peru	Town of Peru	✓		Town Accepted (0.15 miles)	Shown as "Haskell Road"	0.15 miles	Town Accepted 0.15 miles W from South Road
	Note: The Assessor's Map, completed in 1990, shows this way as part of Haskell Road, even though the minutes of the August 26, 1977 Special Town Meeting show that Haskell Road was discontinued "beyond 0.99 of a mile between Haskell house and Hughes place." The MHD RIF shows the 0.15-mile way extending W from South Street as West Haskell Road. BRPC orthomaps confirm that the way between the end of 0.99-mile portion of Haskell Road and the end of the 0.15-mile portion of West Haskell Road is not a passable way and has been "discontinued." Since the Town has already voted to discontinue the unused portion of the road, no action is necessary, but BRPC recommends that the Town update its Assessor's Map to show the 1977 change and notify MHD and DHCD of the proper names, distances and locations of Town Accepted West Haskell Road and Haskell Road. If possible, the Town should find its record of the Select Board's layout of West Haskell Road, as distinct from Haskell Road that once was the name of that same portion of road. The Status of Roads Map shows West Haskell Road as a Town Accepted road extending W 0.15 miles from South Road, with the portion beyond shown as discontinued. (See Haskell Road)							
West Main Road	Town of Peru	Town of Peru	✓	Shown as "Main Road"	Listed as Main Road (1.98 miles)	Shown as "Main Road"	1.86 miles	Town Accepted From South Road/ North Road to Worthington Line
	Note: The MHD RIF, Assessor's Map and County Engineer's Map all show this road (and the entirety of MA Route 143 through the Town of Peru) as "Main Road," without distinguishing between West Main Road and East Main Road. The Atlas Map, however, shows MA Route 143 from the Town of Hinsdale line W to the North Road/South Road intersection as West Main Road and the portion E of that intersection as East Main Road. The Town convention is to distinguish the West and East portions of MA Route 143 (postal addresses, for instance, refer to West Main Road and East Main Road), so in order to avoid further confusion in the records the Town could consider voting at Town meeting to discontinue the entirety of Main Road (MA Route 143) (this will simply wipe the slate clean), then vote at the same Town Meeting to accept Select Board layout of the portion of MA Route 143 from the Town of Hinsdale line W to the North Road/South Road intersection as West Main Road and the portion E of that intersection as East Main Road. This will establish an official record of the road name convention already used in practice. The Status of Roads map shows West Main Road running from the Town of Hinsdale line W to the North Road/South Road intersection.							
Wood Road	Private	Private Abutters	Not Shown	Not Shown	Not Listed	✓	---	Paper Road ■ Consider rescinding subdivision plan and reapproving without Wood Road
	Note: Wood Road is a paper a subdivision road in the Skyview Grove Development, leading E from the Peru line to Raymond Road. The Status of Roads Map does not show Wood Road.							

DRIVEWAYS / PRIVATE ROADS / STATUTORY PRIVATE WAYS

It was not always clear whether certain roads listed in Table 3 (Causeway Road, for instance) should be deemed 1) driveways (and therefore left off an Official Map) or 2) private roads without public right of access or 3) statutory private ways *with* public right of access. There is no statutory definition distinguishing a common driveway shared between multiple residences and a private road providing access to several residences. The distinction is significant here because driveways do not appear on Official Maps, and private roads do, and generally driveways cannot provide frontage for ANR subdivision development, while private roads can, provided local zoning and bylaw requirements are met. As a general rule of thumb, the BRPC and other planning institutions treat ways providing access to three or more residences as private roads and not simply shared driveways. If the Town of Peru wished to make its Status of Roads map into an Official Map, for instance, it would also have to distinguish between regular private roads, which are maintained and legally controlled by abutters while *restricting* public access, and so-called statutory private ways, maintained and legally controlled by abutters while *allowing* public access (see definition above). In the cases where public right of access is unrestricted but the road in question is owned and maintained by private abutters, the recommendations call for the Select Board to lay out such roads as "statutory private ways" under M.G.L. Chap. 82, Sec. 21 and for the ways to be so designated on future Town maps. Ultimately, the decision to lay out a private way as a statutory private way is at the discretion of the Select Board and of Town Meeting voters.

STATUS OF ROADS MAP FOLLOW THROUGH

Notifying Appropriate Agencies

When considering changes to road names and locations, Town of Peru officials should 1) task the municipal Department of Public Works to make corresponding changes to road signs, if necessary, and 2) notify the Massachusetts Department of Housing and Commonwealth Development (DHCD) and MassHighway of all road status changes. The measures recommended in Table 3 and the statuses shown on the Status of Roads map will really only be effective if road signs and road maps produced by other agencies are changed accordingly. In compliance with Executive Order 418 Community Development Plan regulations, the BRPC has provided DHCD and MassHighway with a copy of the Status of Roads map included in this report, but it is the responsibility of the Town to keep those agencies up to date on all matters related to road status in the Town of Peru.

Possible Zoning By-Law or Subdivision Regulation Amendments

During the Community Development Planning process, it came to the attention of BRPC planners that the issue of development fronting on roads of debatable legal status has been and may continue to be an issue in Berkshire towns for many years. The BRPC hopes that this report and the Town of Peru's use of its Status of Roads map may preclude much of the confusion surrounding such decisions.

Regarding the difficult issue of ANR development on roads of questionable status.... Town Counsels throughout the region have asked BRPC staff about whether a way in existence when the subdivision control law (M.G.L. Chap. 41, Secs. 81K-GG) went into effect can satisfy the frontage requirement for an ANR approval purposes if, in the opinion of the Planning Board, the way is of "sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon." In effect, the way need not be a public way and it need not be a way shown on a subdivision plan. BRPC staff have subsequently confirmed that this is true, according to M.G.L. Chap. 41, Sec. 81M, so long as local zoning requires nothing more than "adequate access." If development is proposed on a road that has been discontinued, the Planning Board can grant building permits for lots fronting on the way *so long as* the local ordinances governing

frontage requirements—that is, zoning by-laws or local subdivision regulations—do not require frontage on a “public way” and the way in question provides adequate access for emergency vehicles.*

In other words, Massachusetts General Laws give precedence in road-related development decisions to local zoning by-laws and subdivision regulations and places the decision to allow ANR development in the hands of the municipal Planning Board, which must decide if a proposal meets the requirements of those local ordinances (e.g. sufficient width, suitable grades, adequate construction, etc.) BRPC recommends that the Town of Peru’s Planning Board and Town Counsel confirm their understanding of how the Town’s current zoning bylaws define a street required for development frontage. If the current zoning bylaws include all the categories of Sec. 81L, including the “way in existence” provision, ANR subdivision development is still possible in the Town of Peru along discontinued roads or any way that may have been in existence before subdivision control, so long as the Planning Board deems those ways in compliance with the local frontage requirements. The Planning Board could establish greater control over strip or subdivision development in the Town of Peru if it amends the zoning bylaws to require sufficient frontage and adequate access on a “public way.” This would make discontinued roads, which by definition are no longer “public ways,” unavailable to ANR development and would force new development into the full subdivision approval process, over which towns have much more control. As Lynn Rubinstein and Alexandra Dawson, Esq. point out in *Discontinuing Town and County Ways*, however, “ANR is a commonly used development technique...that many small landowners rely upon for lower development costs of land. The full subdivision approval process can be quite lengthy and expensive. The ANR route is much quicker, simpler, and thus cheaper.”

The Town of Peru Planning Board should amend its zoning bylaws *only if*, in the Board’s thorough consideration, the benefits of greater development control outweigh the costs of greater development expense and administration.

Record Keeping

The BRPC recommends that Town of Peru officials attach to this report any Select Board decisions and Town Meeting minutes so that there is a clear and cohesive record of which recommendations in Table 3 were enacted and which were not. As status changes are made, the MS Word® version of Table 3 provided on the CD-ROM of the Community Development Plan should be updated to maintain an accurate and current record of the status of all roads in the Town of Peru.

REFERENCE

Dawson, Alexandra, Esq. and Lynn Rubinstein. *Discontinuing Town and County Roads*. Massachusetts Department of Public Works and the Highlands Communities Initiative, 2004.

* According to the “Around the Commonwealth” column in the September 2003 *Beacon*, the Massachusetts Appeals Court ruled in July 2003 that public roads, including “abandoned” public roads, must be passable by emergency vehicles at the time of application for development on abutting land. The court decision makes accessibility by emergency vehicles at the time of application the determining factor in denying an “approval not required” (ANR) endorsement, as outlined in the Subdivision Control Law (M.G.L. Chapter 81, Sections K-GG). Development of the land in question in Leverett, MA would have required the Town to rebuild a road no longer in use, a cost the Town did not want to bear.

SPECIAL TOWN MEETINGS

8 / 26 / 77

Article 1: Duly elected Moderator was present.

Article 2: To see if the Town will vote to raise and appropriate the sum of \$6,500.00 for Snow Roads—Public. This was the amount cut from the appropriation under Article 4 at the Annual Town Meeting held May 7, 1977. The Selectmen explained that if the same amount as last year was not appropriated, in case of an emergency, money could not be borrowed and there was no place to transfer it from, as there isn't any excess in any of the accounts this year. It was expressed that a few voters were trying to set aside the will of the majority to keep the tax rate down. Other opinions were that all the tax payers could be at the meeting if they so wished. The article was passed with three in opposition.

Article 3. To see if the Town will vote to raise and appropriate the highway employees who work with a Class 2 or a hydraulic license from \$3.41 to \$3.65 per hour. It was voted unanimously.

Article 4. To see if the Town will vote to transfer from Road Machinery Earnings Account to Road Machinery Maintenance Account the sum of \$2,500.00. It was voted unanimously.

Article 5. To see if the Town will vote to discontinue and abandon the following roads:

Bradshaw Road - entire length, It was so voted unanimously.

Bryan Road - entire length, It was so voted unanimously.

Cross Road - entire length, It was so voted unanimously.

Frery Road - beyond 0.22 of a mile, It was so voted unanimously.

Garnet Hill Road - entire length, It was so voted unanimously.

Haskell Road - beyond 0.99 of a mile between Haskell house and Hughes place, It was so voted unanimously.

Mongue Road - beyond 0.75 of a mile, It was so voted unanimously.

Orpin Road - beyond 0.34 of a mile or the Biegel house, It was so voted unanimously.

FIGURE 1A. Minutes of the August 26, 1977 Special Town Meeting, provided by Town of Peru Highway Superintendent Ron Radwich. Article 5 lists a series of roads the Town voted unanimously to "discontinue and abandon" according to the descriptions given. Mr. Radwich expressed some uncertainty over the legal validity of road discontinuances performed at a Special Town Meeting, as opposed to an annual Town Meeting, but BRPC could find no reason in the Massachusetts General Laws that the discontinuances shown here would not be considered valid in a court of law. In other words, the MGLs call for discontinuances to be made at a "town meeting"; there is no requirement, from BRPC's interpretation, that such votes be taken at an Annual Town Meeting rather than a Special Town Meeting. See Figure 1B on next page.

Kreutzer Road - beyond 0.92 of a mile or the telephone line, It was so voted unanimously.

Strong Road - Beyond 0.7 of a mile or Farmer's house, It was so voted unanimously.

Rice Road - entire length, It was so voted unanimously.

August Smith Road - northerly beyond Messenger's corner, It was so voted unanimously.

Old Town Road running north then west to Windsor (between Kelly and Martindale land) - entire length, It was so voted unanimously.

A portion of old East Windsor Road that was discontinued behind Robert Torrey and Howard Blake land - entire length, It was so voted unanimously.

Old Town Road from Route 143 running north then west to join Raymond Road - entire length, It was so voted with one in opposition.

Old Town Road going east from South Road to join Garnet Hill Road, crossing Geer Brook - entire length, It was so voted unanimously.

Old Town Road going north easterly from South Road toward Garnet Hill Road - entire length, It was voted unanimously.

Old Town Road from North Road easterly to Mongue Road north of Fuller Brook - entire length, It was so voted unanimously.

November 16, 1977

Article 1. Duly elected Moderator was present.

Article 2. To see if the Town will vote to instruct the Board of Selectmen to arrange for the disposal of the solid waste, of the Town of Peru, by private contractor to pick up at individual homes. After much discussion, it was brought to the attention of the selectmen that it might be best to look into a portable trash compactor. No action was taken on the above article.

Article 3. To see if the Town will vote to instruct the Board of Selectmen to arrange for the disposal of the solid waste, of the Town of Peru, by a centralized pick up at the Town Garage. The voters decided to take no action on this article, because of the decision made in Article 2.

Town of Peru

December 8, 1997
Board of Selectmen, P.O. Box 479, Hinsdale, MA 01235



Daniel F. Beagan, Director
Bureau of Transportation Planning & Development
10 Park Plaza, Room 4150
Boston, MA 02116

Attn: David Freidenfeld

Dear Mr. Freidenfeld;

Below is a list of the unaccepted and accepted streets for the Town of Peru.

<u>Unaccepted Street List</u>	<u>Mileage</u>	<u>New Accepted Streets</u> <u>January 4 - 1992</u>	<u>Mileage</u>
Hill Road	.06	Ash Lane	.43
Hill Side Road	.05	Marlow Drive	.40
Lee Road	.02	Weeks Road	.24
Pine Road	.05	Hilltop Road	.10
Spruce Road	.05	Rita Road	.09
Stone Road	.05	David Drive	.20
Birch Hill Road	.07	Bonny Lane	.50
Greylock Circle	.23	Lafayette Drive	.31 (Pending)
Cornell Lane	.27		2.27Miles
Garnet Mountain Lane	.55		
Causeway Road	.43		
Brookside Road	.37		
Dyke Road	.29		
Lake View Road	.29		
Lake View Road Ext.	.16		
Gentian Hill Road	.31		
Ridge Road	.09		
Stephanie Lane	.20		
	3.54Miles		

If you have any questions or comments, please do not hesitate to call me at the Peru Highway Department (413) 655-8224.

Sincerely,

Ronald Radwich, Highway Superintendent

Mary Wheeler, Town Clerk

FIGURE 2. A December 8, 1997 list of Town accepted and unaccepted roads, provided by Town Highway Superintendent Ron Radwich. Most of these designations are confirmed by the 2002 MassHighway Road Inventory File (the latest edition). Refer to Table 3 for details.



THIS STORY HAS BEEN FORMATTED FOR EASY PRINTING

Ancient way divides neighborhood

By Anthony Flint, Globe Staff, 8/3/2003

MARSHFIELD -- To most of the residents in the Furnace Street neighborhood, it is a barely recognizable pathway beside a barn, dotted with trees and half-buried stones.

But to Hugh France, it is Eames Way, laid out in 1692 as a thoroughfare "two poles wide," or 33 feet. And it is the key to his fortune.

In an increasingly common practice among developers looking to build subdivisions quickly, France is trying to prove Eames Way is a legally recognized street, so he can build eight homes off it without getting any approvals from the Planning Board.

Town officials won't concede the street is real, so France has sued, arguing that the existence of Eames Way should trigger an obscure process under the state zoning law known as "approval not required."

While the lawsuit is battled out in Plymouth Superior Court, neighbors are getting an education in so-called ancient ways -- laid out and built 300 years ago -- and wondering whether Marshfield's Colonial past could open the floodgates for development in the real estate market of the present.

"What street? There's no street there," said James Connell, whose house on Route 3A is directly across from where Eames Way would let out, a spot now occupied by two boats on trailers. He then pointed to Proctor Street, visible from his front yard and added, "Now that's a street."

Roy Kirby, a carpenter who built his house on Furnace Street in 1979, and later a barn at the edge of what he thought was his property, said he knew there was an old cartpath leading into the woods behind his house, but town officials assured him it was abandoned. A legally recognized Eames Way would slice through his woodshop.

"I was at the hearing and [France] made a very impressive presentation, getting into all the history," Kirby said. "But what scared everybody was, there are a lot of cartpaths in Marshfield. Some of them go right through people's houses. This could open up a real can of worms."

The real issue, said Angus Jennings, the Marshfield town planner, is the zoning law that is motivating France to prove that Eames Way exists. The "approval not required" process, which is unique in the nation, lets developers build without approvals or conditions from the

Boston Globe Article on Implications of Unresolved Ancient Ways (Page 2)

Boston.com August 3, 2003

Boston Globe Online: Print it!

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local planning board, as long as the home lots are on an established street.

"The hard part for me is explaining to abutters that there is no hearing on these. They say, 'What about the traffic?' or 'What about the drainage?' and I just have to tell them, they don't need our approval, that's the law," Jennings said, noting that Marshfield gets about 35 such cases every year.

A bill is currently before the state Legislature that would eliminate "approval not required" and other aspects of the Massachusetts statewide zoning law.

The zoning law contains many loopholes and "approval not required" is routinely exploited, say those who want it changed. Because an "approval not required" designation means quick and painless construction, it is sought by developers who scour old maps and local historical records, hunting for paper streets.

There has been no definitive statewide study, but planners say "approval not required" development easily constitutes 30 percent of all development -- and much more in rural areas.

"We might get 25 houses plopped on old farm with no one getting to say anything," said Douglas Albertson, the town planner in Belchertown, where 449 "approval not required" lots have been created off such streets since 1995. It has been particularly frustrating, he said, because just as development pressures are intensifying, the town has no control over a whole class of building.

In many cases, developers need only show a map or two to prove that a street exists, in subdivision plans filed as long ago as 1920. Hugh France is trying to take a similar tack, but he's reaching farther back into history.

France's lawyer, Paul Driscoll, filed a stack of historical records, journal entries, meeting notes, and maps, all going back more than 300 years, as evidence in the lawsuit against the town. Driscoll and France both declined to be interviewed.

Streets and highways were laid out with great care in Colonial Massachusetts, Driscoll argues in court papers, and meticulous records were kept on their route, construction, and how much they infringed on private property. One document describes Eames Way as a public way "two poles wide," running "over a brook, as the way now leadeath between the house and shop of John Foster. and so through the land of Arthur Howland." At least one resident, John Sherman, was compensated for the road going through his property, according to the lawsuit.

The road was referred to as a public way by the town in 1968, 1982, and 1983, the lawsuit states; even if it is overgrown, it remains a street as long as it has not been officially discontinued, according to state law.

In an opinion issued in April, Marshfield town counsel Robert Marzelli acknowledged that the paved part of Eames Way, which ends at Furnace Street, has been recognized by officials. But trying to establish that Eames Way went farther is impossible, he suggested. The historical records refer to piles of stones and barns that have not existed for centuries.

Boston Globe Article on Implications of Unresolved Ancient Ways (Page 3)

Boston.com August 3, 2003

Boston Globe Online: Print it!

Page 3 of 3

Driscoll says in the lawsuit that Eames Way was laid out as a county highway, part of a network reaching into Duxbury and Scituate.

While the existence of Eames Way is battled out in court -- a process that could take up to two years -- Kirby, the carpenter whose barn is threatened, said he has mixed feelings about France's proposal for the 14 acres behind his property. France lives a few doors down, and Kirby used to plow his driveway.

"I know there's a tradition of development in this country and that's how we got where we are," Kirby said. "But I don't think our forefathers envisioned this as a street with sidewalks on both sides. I know it's there -- I go back there to walk my dogs. I used to let people take a vehicle back there. But King George has been dead for a long time now. If it's an ancient way, keep it as a historic path."

Kirby is keeping his sense of humor about the situation, even as he contemplates the way Marshfield, population 25,000, has grown since its founding by Mayflower passenger Edward Winslow circa 1640.

"If they prove it's a county highway and it goes through my barn," he said, "I'm going to cut out a window and put a Dunkin' Donuts in there."

Anthony Flint can be reached at flint@globe.com.

This story ran on page B1 of the Boston Globe on 8/3/2003.
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Massachusetts Appeals Court Makes Emergency Vehicle Accessibility Determining Factor in Denying an “Approval Not Required” Endorsement

Around the Commonwealth, *The Beacon*, September 2003

Development decision made

Town of Leverett

A July Appeals Court decision spared the town of Leverett the cost of rebuilding an abandoned public road so that land could be developed. The court ruled that a public road must be passable by emergency vehicles at the time of the development application. The court decision makes accessibility by emergency vehicles at the time of application the determining factor in denying an “approval not required” endorsement, as outlined in the Subdivision Control Act. Development of the land in Leverett would have required the town to rebuild a road that was no longer in use, a cost the town did not want to bear.

*From: Around the Commonwealth, The Beacon, September 2003
This monthly column features regional and local news briefs related to local government in Massachusetts. To suggest a news item for this column, contact Katie Carroll at the MMA (phone: (800) 882-1498; fax: (617) 695-1314; e-mail: kcarroll@mma.org).*

Map 1: Orthomap

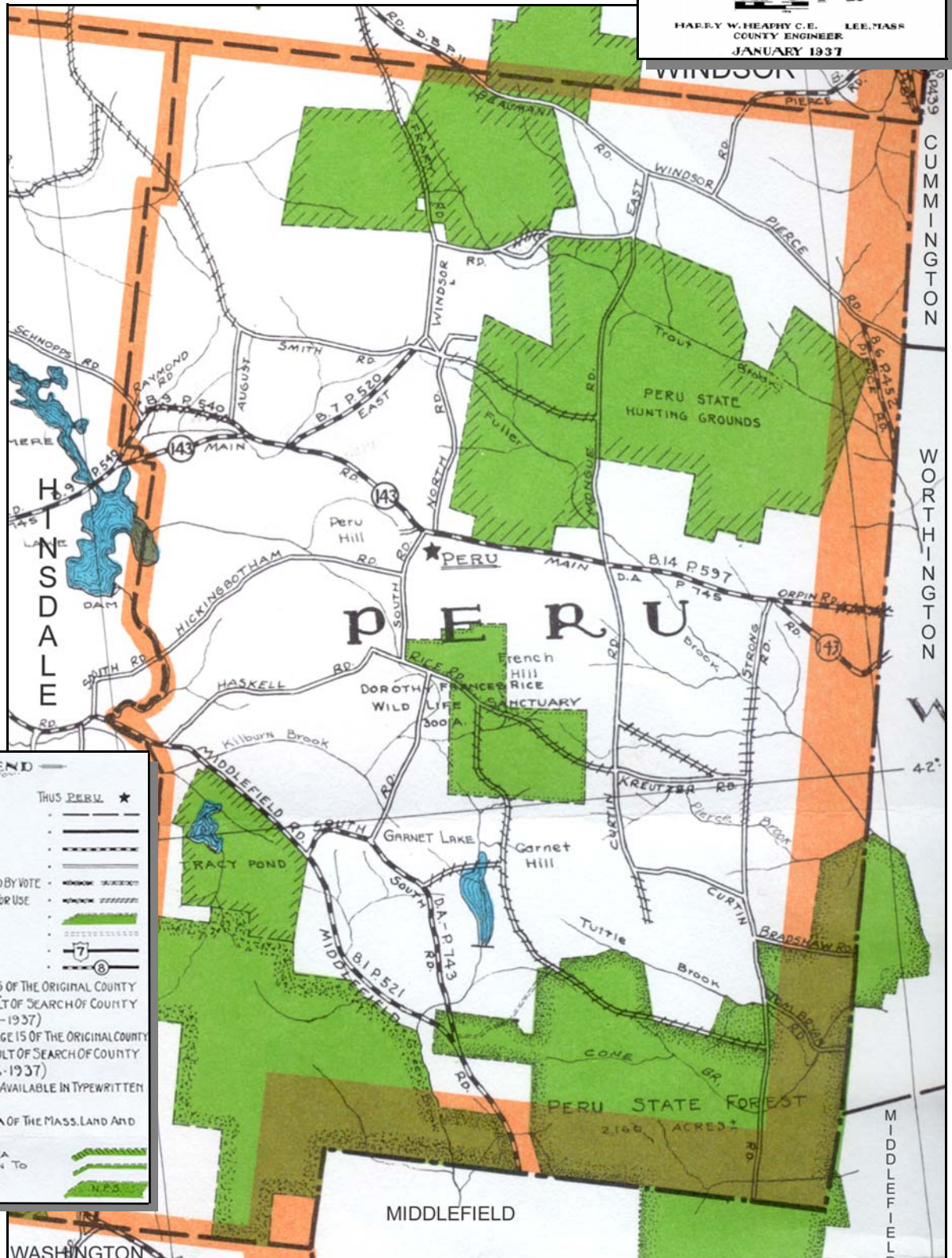
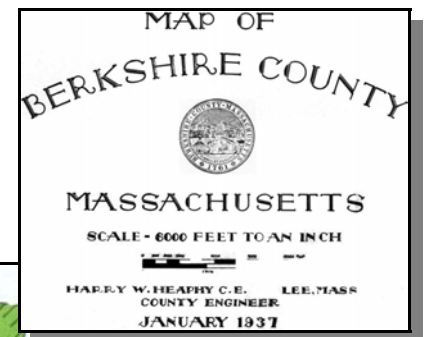
Town of Peru, MA Status Of Roads

*Aerial Photograph with GIS Overlay of
Roads and Classifications from the 2002
MassHighway Road Inventory File (RIF)*



Road Ownership
— Unaccepted by Town
— Town Accepted
— Unknown

Map 2: County Engineer's Map 1988 Edition (last revision)



LEGEND

CENTER OF TOWN	THUS PERU ★
TOWN LINES	—
STATE ROADS	—
COUNTY ROADS	—
TOWN ROADS	—
COUNTY OR TOWN ROAD DISCONTINUED BY VOTE	—
COUNTY OR TOWN ROAD ABANDONED FOR USE	—
STATE FOREST LANDS	—
PRIVATE ROADS	—
U.S. ROUTE	—
STATE ROUTE	—
B.2 P.5 INDICATES BOOK 2 PAGE 5 OF THE ORIGINAL COUNTY RECORDS AT PITTSFIELD (RESULT OF SEARCH OF COUNTY RECORDS MADE DURING 1936-1937)	
DA-P.15 INDICATES DOCKET A, PAGE 15 OF THE ORIGINAL COUNTY RECORDS AT PITTSFIELD (RESULT OF SEARCH OF COUNTY RECORDS MADE DURING 1936-1937)	
NOTE—ORIGINAL RECORDS NOW AVAILABLE IN TYPEWRITTEN FORMAT AT PITTSFIELD	
TOWN LINES COMPILED FROM DATA OF THE MASS. LAND AND HARBOR COMMISSION	
WILDLIFE MANAGEMENT AREA	—
CONSERVATION LAND OPEN TO THE PUBLIC	—
NATIONAL PARK SERVICE	—

Map 3: Official Arrow Street Atlas of Western Massachusetts

1998 Second Edition

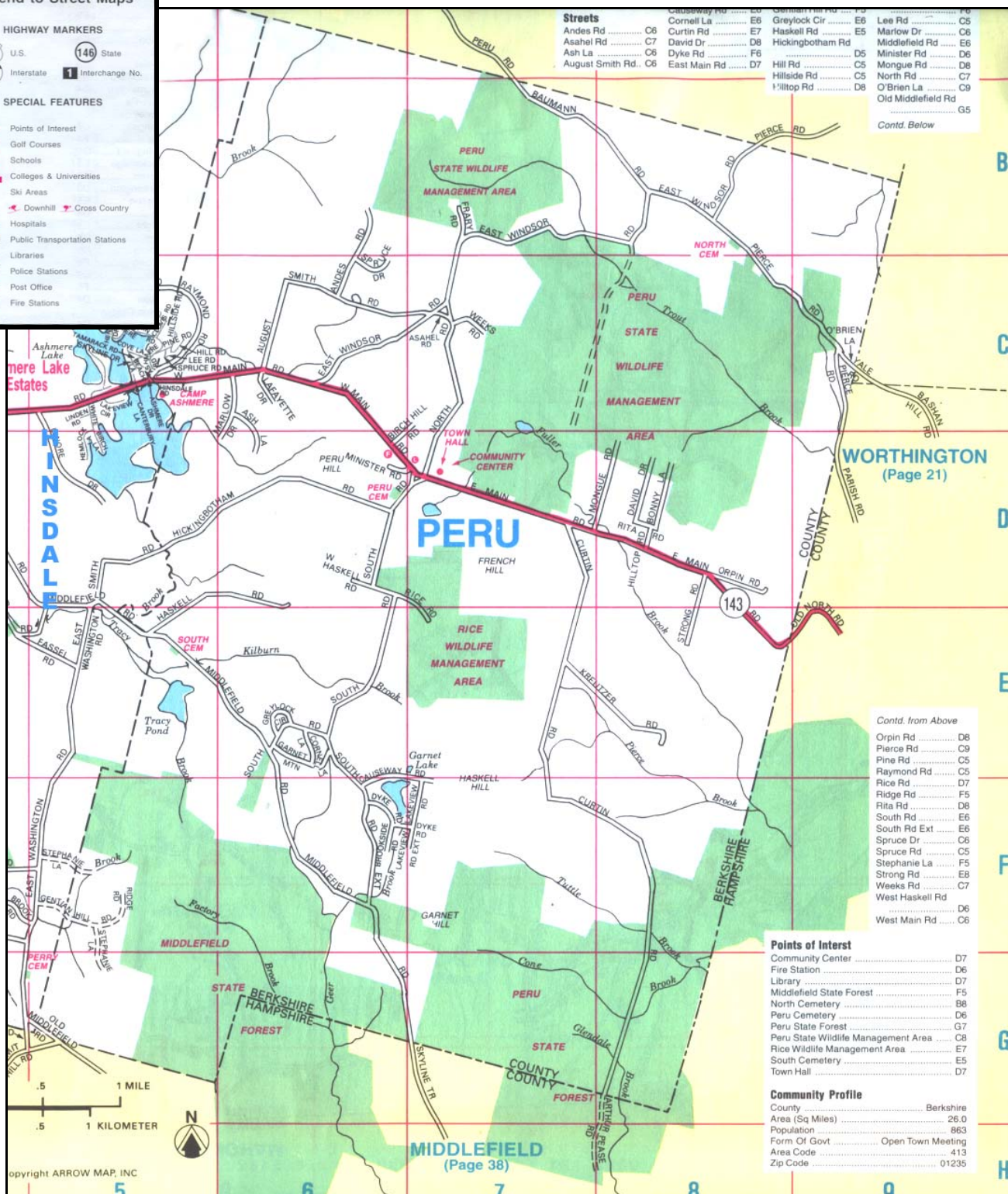
Legend to Street Maps

HIGHWAY MARKERS

1 U.S. 146 State
95 Interstate 1 Interchange No.

SPECIAL FEATURES

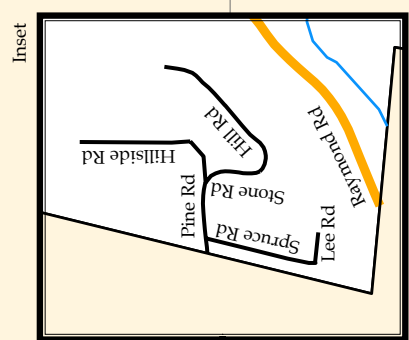
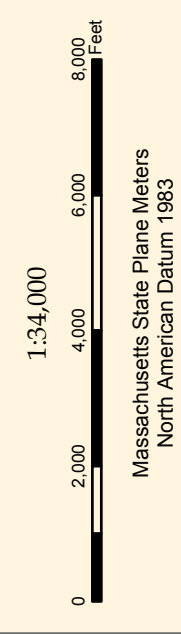
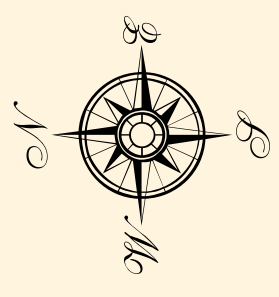
- Points of Interest
- Golf Courses
- Schools
- Colleges & Universities
- Ski Areas
- Downhill Cross Country
- Hospitals
- Public Transportation Stations
- Libraries
- Police Stations
- Post Office
- Fire Stations



Status of Roads

Town of Peru, Massachusetts

Prepared As Part of
the EO418 Community
Development Plan
(June 30, 2004)



Street Name	Administration	Length (Miles)	Grid
Andes Road	Town Accepted	0.68	C3
Ash Lane	Town Accepted	0.43	B4
August Smith Road	Town Accepted	1.70	B3
August Smith Road	Discontinued (Dalton Fire District)	1.91	B2
Beauman Road	Town Accepted	1.16	C2
Birch Hill Road	Private	0.06	C4
Bonny Lane	Town Accepted	0.51	D4
Bradshaw Road	Discontinued	0.51	D7
Brookside Road	Private	0.38	O6
Bryan Road	Discontinued	0.54	D7
Causeway Road	Town Accepted - To be Statutory Private Way	0.55	O6
Cornell Lane	Private	0.27	B6
Curtin Road	Town Accepted	4.38	O6
David Drive	Town Accepted	0.21	D4
Dyke Road	Private	0.09	O6
East Main Road	Town Accepted	2.64	C4
East Windsor Road	Town Accepted	4.03	C3
Frary Road	Town Accepted	0.22	C2
Frary Road	Discontinued	1.03	C2
Garnet Hill Road	Discontinued	3.06	C7
Garnet Mountain Lane	Private	0.55	B6
Gentian Hill Road	Private	0.55	B7
Greylock Circle	Private	0.32	B6
Haskell Road	Town Accepted	0.99	B5
Haskell Road	Discontinued	0.47	B5
Hickingsbotham Road	Town Accepted	1.63	B4
Hill Road	Private	0.08	Inset
Hillside Road	Private	0.05	Inset
Hilltop Road	Town Accepted	0.12	D4
Kreutzer Road	Town Accepted	0.92	C5
Kreutzer Road	Discontinued	0.64	D6
Lafayette Drive	Town Accepted	0.32	B3
Lakeview Road	Private	0.31	O6
Lakeview Road Extension	Private	0.16	O6
Lee Road	Private	0.01	Inset
Marlow Drive	Town Accepted	0.37	B4
Mattau Road	Town Accepted	0.13	A8
Middlefield Road	Town Accepted	3.58	B5
Middlefield Road	Town Accepted	0.12	C4
Minsters Road	Town Accepted	0.75	C4
Mongue Road	Discontinued	1.29	C3
North Road	Town Accepted	1.21	C4
O'Brien Lane	Town Accepted	0.19	D3
Old Town Road	Discontinued	0.56	B3
Old Town Road	Discontinued	0.94	C3
Old Town Road	Discontinued	0.85	C7
Orpin Road	Town Accepted	0.34	D6
Orpin Road	Discontinued	0.26	D6
Pierce Road	Town Accepted	1.66	D3
Pine Road	Private	0.06	Inset
Raymond Road	Town Accepted	0.47	B3
Rice Road	Discontinued	1.26	C5
Ridge Road	Private	0.11	B7
Rita Road	Town Accepted	0.09	D4
South Road	Town Accepted	2.57	C5
South Road Extension	Town Accepted	1.17	O6
Spruce Drive	Town Accepted	0.31	C3
Spruce Road	Private	0.06	Inset
Stephanie Lane	Private	0.20	B7
Stone Road	Private	0.03	Inset
Strong Road	Town Accepted	0.70	D5
Strong Road	Discontinued	0.39	D6
Unknown	Town Accepted - Unknown Status	0.54	O6
Weeks Road	Town Accepted	0.23	C3
West Haskell Road	Town Accepted	0.15	C5
West Main Road	Town Accepted	1.86	C3

Town Accepted

Private

Discontinued

Town Accepted - unknown status

Town Accepted - To be statutory private way / discontinued

Power Line

Perennial Stream

Intermittent Stream

Lake / Pond

Wetland / Marsh

State and Federal Land

Municipal Land

GIS Mapping

GIS Mapping

7

Introduction to GIS Mapping
Introduction to Development Suitability Maps
Base Maps

70
71

Introduction to GIS Mapping

Geographic Information Systems (GIS) are quickly becoming a staple of our times. Defined broadly, GIS is a computer-based system “for capture, retrieval, analysis, and display of spatial (locationally defined) data.” The essential elements in this definition for local governments are “spatial” and “analysis”: where are things, why do we want to know about them, and how can our community use this information to make better decisions?

GIS is a system of computer software, hardware, data, and personnel to help manipulate, analyze and present information that is tied to a specific location on the earth. Aspects of GIS include:

spatial location – usually a geographic location

information – visualization of analysis of data

system – linking software, hardware, data

personnel –the key to the power of GIS

GIS applies modern computer graphics and database technology to the efficient, cost-effective management and planning of the local government’s assets. It provides enhanced capabilities for data storage, retrieval, and analysis. GIS does this by linking (1) maps and (2) databases. This marriage lets us easily explore the relationship between (1) location and (2) information.

The real key for small city governments is that GIS quickly integrates *information with location*. Through its use of computer technology, GIS provides a better, faster, easier way for local officials to find answers to questions and carry out analyses based on spatial relationships.

Berkshire Regional Planning Commission uses GIS in projects covering almost all aspects of planning. This includes environmental, land use, community development, transportation, economic and housing projects. BRPC uses our GIS for map creation, data development and spatial analysis.

Throughout the Community Development Plan, GIS has been used to create a series of base maps illustrating what is in each community and has allowed community officials to determine where the most suitable locations are for various types of development / preservation. Some communities also used suitability maps to assist them in determine where the best locations for development / preservation were. These suitability maps were created by evaluating the importance of various environmental, housing, economic, and transportation items and plotting the best and worst locations based on the combination of all these factors. The final maps presented throughout the report show the decisions that were arrived at by the community. In this section, the base maps are presented as reference to show what is currently in the town. The descriptions of the mapped items that you will find within these base maps are listed below.

Introduction to Development Suitability Maps

Description of Map Attributes:

Environmental Resources

Drinking Water

Aquifers – shows medium and high yield aquifers as delineated by USGS Water Resource Division. The original data is from the USGS 1:48,000 hydrologic atlas series on groundwater favorability.

Interim Wellhead Protection areas – shows the primary, protected area for PWS groundwater sources in the absence of an approved Zone II. The radius around the well is determined by the pumping rate in GPM of the well. Wellhead protection areas are important for protecting the recharge area around public water supply (PWS) wells.

Lakes/Ponds Resource Area – shows a 100 ft. buffer around the lakes and ponds that are on the USGS topographical maps. This buffer shows the area that has an immediate impact of the lakes and ponds.

Outstanding Resource Water – shows waters which constitute an outstanding resource as determined by their outstanding socioeconomic, recreational, ecological, and / or aesthetic values and which shall be protected and maintained as determined under Massachusetts Surface Water Quality Standards of 1995

Wellhead Protection Zone I – shows a 400 ft. buffer around public water supply points.

Wellhead Protection Area Zone II – shows the primary, protected area for PWS groundwater sources based upon the area of an aquifer which contributes to a well under the most severe pumping and recharge conditions that can realistically be anticipated. Wellhead protection areas are important for protecting the recharge area around public water supply (PWS) wells.

Water Bodies and Protection Areas

FEMA 100yr. Floodplain – shows areas of possible risk associated with flooding. This layer was created by the Federal Emergency Management Agency (FEMA) from the Flood Insurance Rate Maps (FIRM)

Lakes / Ponds Resource Areas – 100 ft - shows a 100-foot buffer around lakes and ponds that defines the resource area that contributes to the lake/pond. The lakes and ponds are derived from USGS topo maps.

River Protection Area – 200 ft. – Shows a 200-foot buffer delineating the resource area of perennial streams. These areas were created as an addition to the long-standing Wetlands Protection Act. The law establishes protected riverfront areas that extend 200 feet from the mean annual high-water line.

Surface Water Protection Area Zone A – shows land between the surface water source and the upper boundary of the bank, the land within a 400 foot lateral distance from the upper boundary of the bank of a Class A surface water source and the land within a 200 foot lateral distance from the upper boundary of the bank of a tributary or associated surface water body. These areas are included in the Massachusetts Drinking Water Regulations as Surface Water Supply Protection Zones.

Surface Water Protection Area Zone B – shows the land within one-half mile of the upper boundary of the bank of a Class A surface water source or the edge of the watershed, whichever is less. Zone B always included the land area within a 400 ft lateral distance from the upper boundary of the bank of the Class A surface water source. These areas are included in the Massachusetts Drinking Water Regulations as Surface Water Supply Protection Zones.

Wetland Resource Areas – shows a 100-foot buffer around wetlands that defines the resource area that contributes to the wetland. The wetlands are derived from USGS topographical maps.

Wetlands – shows wetlands derived from USGS topographical maps.

Soils / Geology

Excessively Drained Soils– shows soils that have too much or too rapid loss of water, either by percolation or by surface flow. The occurrence of internal free water is very rare or very deep. This layer was derived from the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Soil Survey Geographic (SSURGO) database.

Highly Erodible Soils – shows soils that are highly susceptible to erosion from wind and/or water. This layer was derived from the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Soil Survey Geographic (SSURGO) database.

Hydric Soils – Soils that are wet long enough to periodically produce anaerobic conditions, thereby influencing the growth of plants. This layer was derived from the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Soil Survey Geographic (SSURGO) database.

Poorly Drained soils– shows soils that do not lose water very rapidly. The occurrence of free water is common. This layer was derived from the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Soil Survey Geographic (SSURGO) database.

Scenic Landscapes – shows areas identified as having distinctive or noteworthy scenic landscapes as part of the Massachusetts Landscape Inventory Project, Department of Environmental Management, 1981.

Slopes Greater than 15% - shows slopes that are greater than 15% based on slope information derived from either 3 or 10-meter contours generated by MassGIS

Biological

Areas of Critical Environmental Concern – shows the location of areas that have been designated ACECs by the Secretary of Environmental Affairs. This designation requires greater environmental review of certain kinds of proposed development under state agency jurisdiction with the boundary.

Contiguous Natural Lands – shows large, contiguous tracts of natural land. “Contiguous” lands are defined to be at least 250 contiguous acres and “Natural” lands are defined based on the land use codes for water, forest, shrubland, pasture and wetland. The data is part of the Massachusetts Resource Identification Project (MRIP).

Natural Land Riparian Corridors – shows contiguous natural lands within a 100-meter corridor encompassing perennial streams and river features. These areas within the riparian corridor remain in a “natural state”, potentially functioning as a corridor for select species movement, as well as additional ecological purposes. These data is part of the Massachusetts Resource Identification Project (MRIP).

NHESP BioMap Core Habitat - Depicts the most viable habitat for rare species and natural communities. The polygons may consist of many individual species or natural communities.

NHESP BioMap Supporting Natural Landscapes – buffers and connects the Core Habitat polygons and identifies large, naturally vegetated blocks that are relatively free from the impact of roads and other development. The quality of undeveloped land considered in the landscape analysis was evaluated based on four major components: natural vegetation patch characteristics, size of relatively road less areas, sub watershed integrity, and contribution to buffering Bore Habitat for plants and exemplary communities.

NHESP Estimated Habitats of Rare Wildlife – shows estimations of the habitats of state-protected rare wildlife populations that occur in Resource areas. These habitats are based on rare species records maintained in the Natural Heritage & Endangered Species Program’s (NHESP) database.

NHESP Priority Habitats of Rare Species – shows areas that represent estimations of important state-listed rare species habitats in Massachusetts. These habitats are based in rare species population records maintained in the Natural Heritage & Endangered Species Program’s (NHESP) database.

Riparian Corridors – shows a 100-meter corridor, which encompasses perennial streams and river features. The 100 meter buffer distance is a subjective value derived from existing conservation plans, as well as current literature. The data is part of the Massachusetts Resource Identification Project (MRIP).

Vernal Pools – shows a 100-foot buffer around NHESP Certified Vernal Pools. Certified Vernal Pools are protected if they fall under the jurisdiction of the Massachusetts Wetlands Protection Act Regulations. They also are afforded protection under the state Water Quality

Certification regulations, the state Title 5 regulations, and the Forest Cutting Practices Act regulations.

Community

Developed Land

Commercial Land – shows land that is classified as commercial in the most recent land use update.

Gravel Pits / Mining - shows land that is classified as Gravel / Mining in the most recent land use update.

Industrial Land – shows land that is classified as industrial in the most recent land use update. Industrial land is defined as Industrial, Mining, and Waste Disposal.

Multi-Family Residential - shows land that is classified as Multi-Family residential in the most recent land use update.

Residential Land – shows land that is classified as residential in the most recent land use update. Residential land is defined as lots smaller than ¼ acre lots, ¼ to ½ acre lots, lots larger than ½ acre, and multi-family lots.

State Registered Historic Resources – shows land that is listed with the State Register of Historic Places as being of historical interest.

Village / Commercial Centers – an area defined by the community as representing the village or community center.

Non-Developed Land

Agriculture Land – shows land classified as agriculture in the most recent land use update. Land that is defined as agriculture is composed of cropland, pasture, and woody perennial.

Agricultural Preservation Restriction Land – shows land that is permanently protected as agricultural land due to an APR designation

Buildable Land – shows land that was determined to be buildable based upon existing development, protection, and restricted land during the 1999/2000 Buildout Analysis

Forested Land – shows land that is classified as forest in the most recent land use update.

Non-Protected Open Space – shows land that is classified as open space, but is not permanently protected.

Partial Constraints – shows land that is buildable but is limited based on land characteristics, such as slope, wetlands, and proximity to water.

Protected Open Space – shows land that is classified as open space and is permanently protected.

Recreational Resources – shows land that is classified as recreational in the most recent land use update. Recreational land is defined as Participation Recreation, Spectator Recreation and Water based Recreation.

Housing and Population Densities

Owner Housing Density – The percentage of housing that is owned by the resident on a per acre basis. The values are derived from the Census 2000 data.

Population Density - The population of the census block on a per acre basis. The values are derived from the Census 2000 data.

Rental Housing Density - The percentage of housing that is rented by the resident on a per acre basis. The values are derived from the Census 2000 data.

Seasonal Housing Density - The percentage of housing that is seasonal on a per acre basis. The values are derived from the Census 2000 data.

Infrastructure

Roads

Dirt / Unpaved Roads – roads that are considered dirt or unpaved based on the latest MassHighway inventory.

Local Roads – roads that are considered local roads based on the latest MassHighway inventory.

Minor Roads – roads that are considered collectors based on the latest MassHighway inventory.

Major Roads / Highway Access – roads that are considered arterials or interstate on the latest MassHighway inventory.

Other Transportation

Para Transit – This data layer is only useful for regional analysis. A town that is a member of BRTA receives para transit

Transit access – Roads that have existing BRTA bus service.

Rail Access – Existing rail lines that are currently used.

Air Access – The area surrounding the airports that are considered part of the airport complex.

Bike Trails – The Ashuwillticook bike trail from Lanesborough/Pittsfield line to downtown Adams.

Utilities

Public Water – A line approximating the location of the public water lines. This data was verified by DPW staff during summer of 2001.

Sewer – A line approximating the location of the sewer lines. This data was verified by DPW staff during summer of 2001.

Solid Waste Facilities – Compiled by DEP to track the locations of landfills, transfer stations, and combustion facilities.

Bureau of Waste Prevention - Major Facilities – facilities that are regulated by the DEP. These are considered to have the greatest environmental significance. Facilities included are:

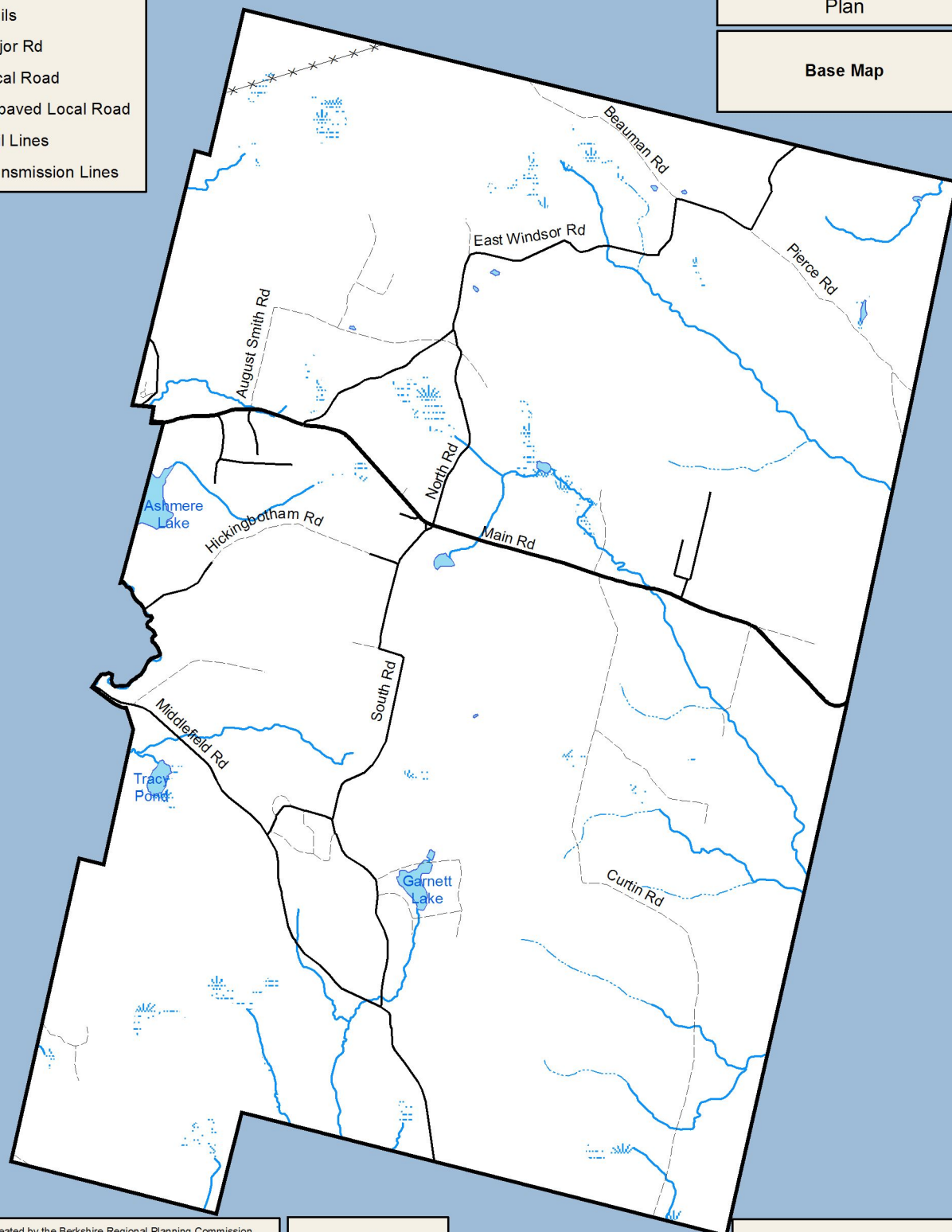
- Large Quantity Generators of Hazardous Waste
- Large Quantity Toxic Users
- Hazardous Waste Recyclers
- Hazardous Waste Treatment, Storage and / or Disposal Facilities
- Facilities with Air Operating Permits
- Facilities with Groundwater Discharge Permits

-  Stream
-  Intermittent Stream
-  Lake
-  Wetland
-  Trails
-  Major Rd
-  Local Road
-  Unpaved Local Road
-  Rail Lines
-  Transmission Lines

Town of Peru

Community Development
Plan

Base Map



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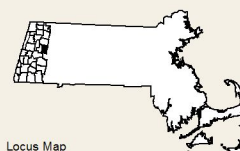
This project was funded through a grant from the Massachusetts Executive Office of Environmental Affairs, Massachusetts Department of Housing Development, and the Massachusetts Executive Office of Transportation and Construction.

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July 21, 2003



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Meters

Massachusetts State Plane Meters
North American Datum 1983



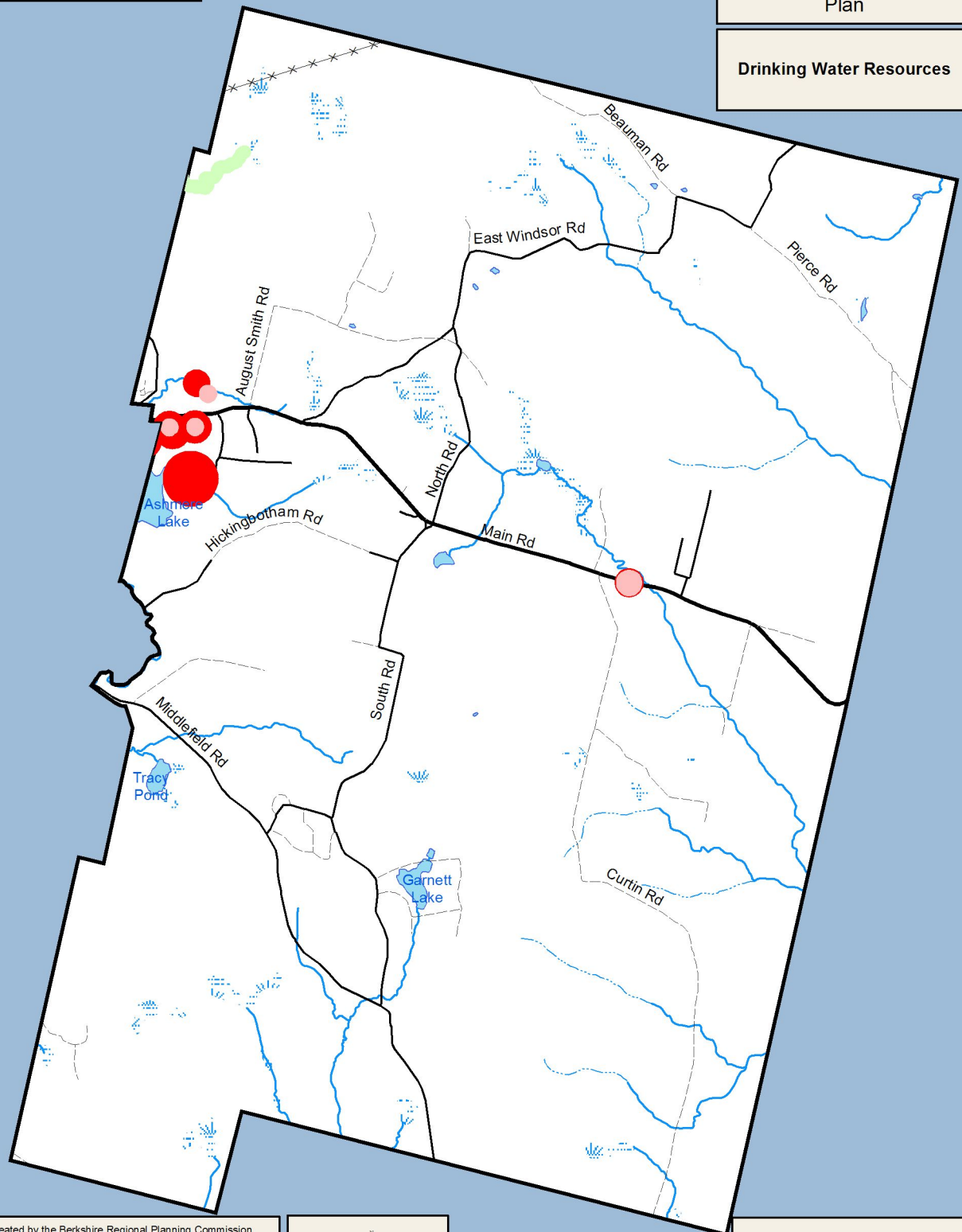
Locus Map

- Surface Water Protection Zone A
- Public Water Supply Zone 1
- Interim Wellhead Protection Area

Town of Peru

Community Development
Plan

Drinking Water Resources



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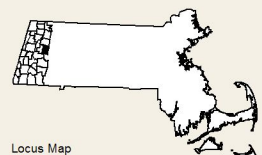
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July 21, 2003

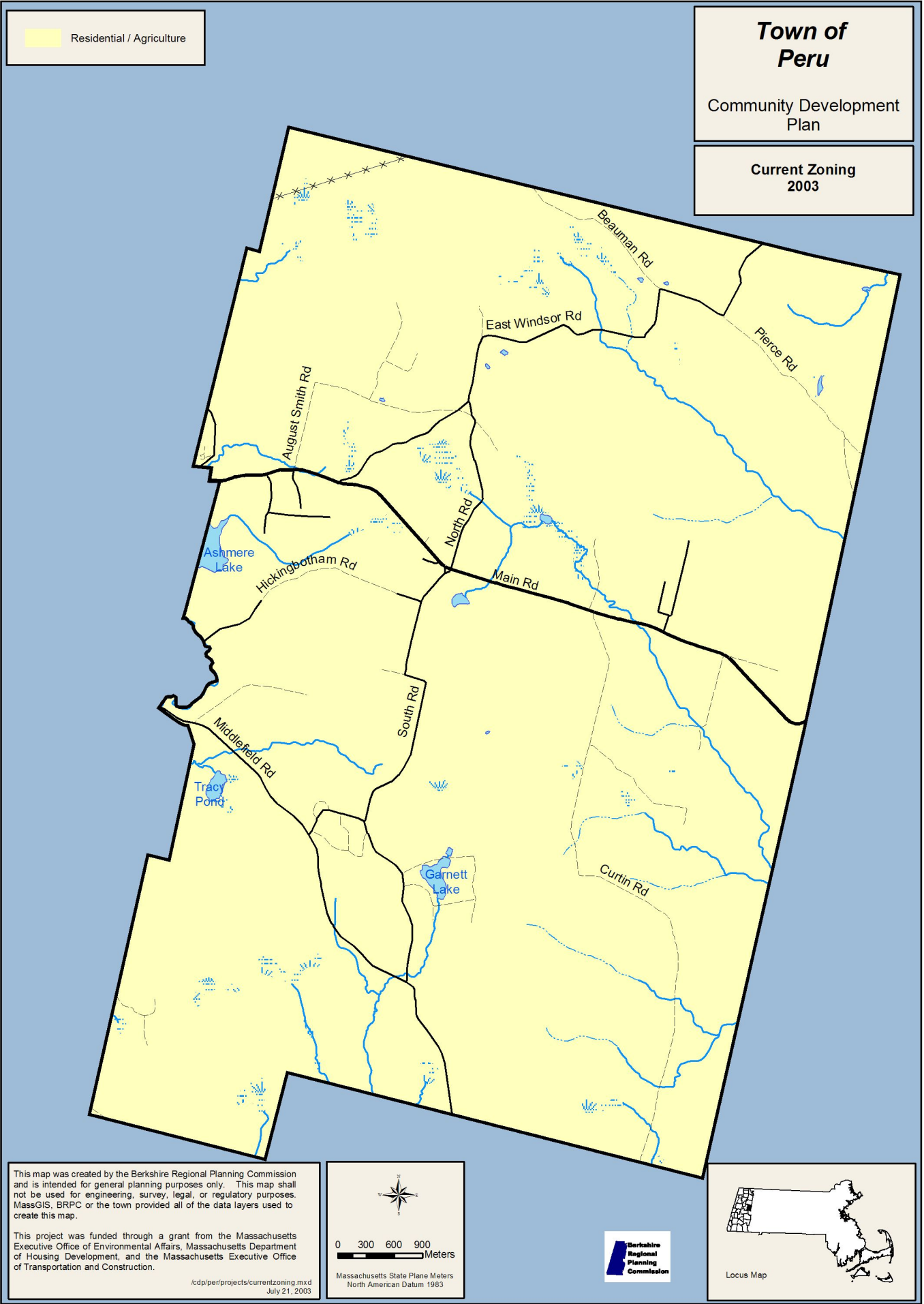


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Meters

Massachusetts State Plane Meters
North American Datum 1983



Locus Map



Residential / Agriculture

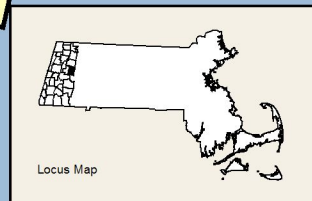
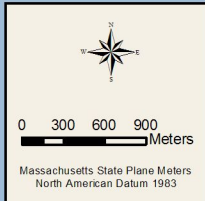
Town of Peru
Community Development Plan

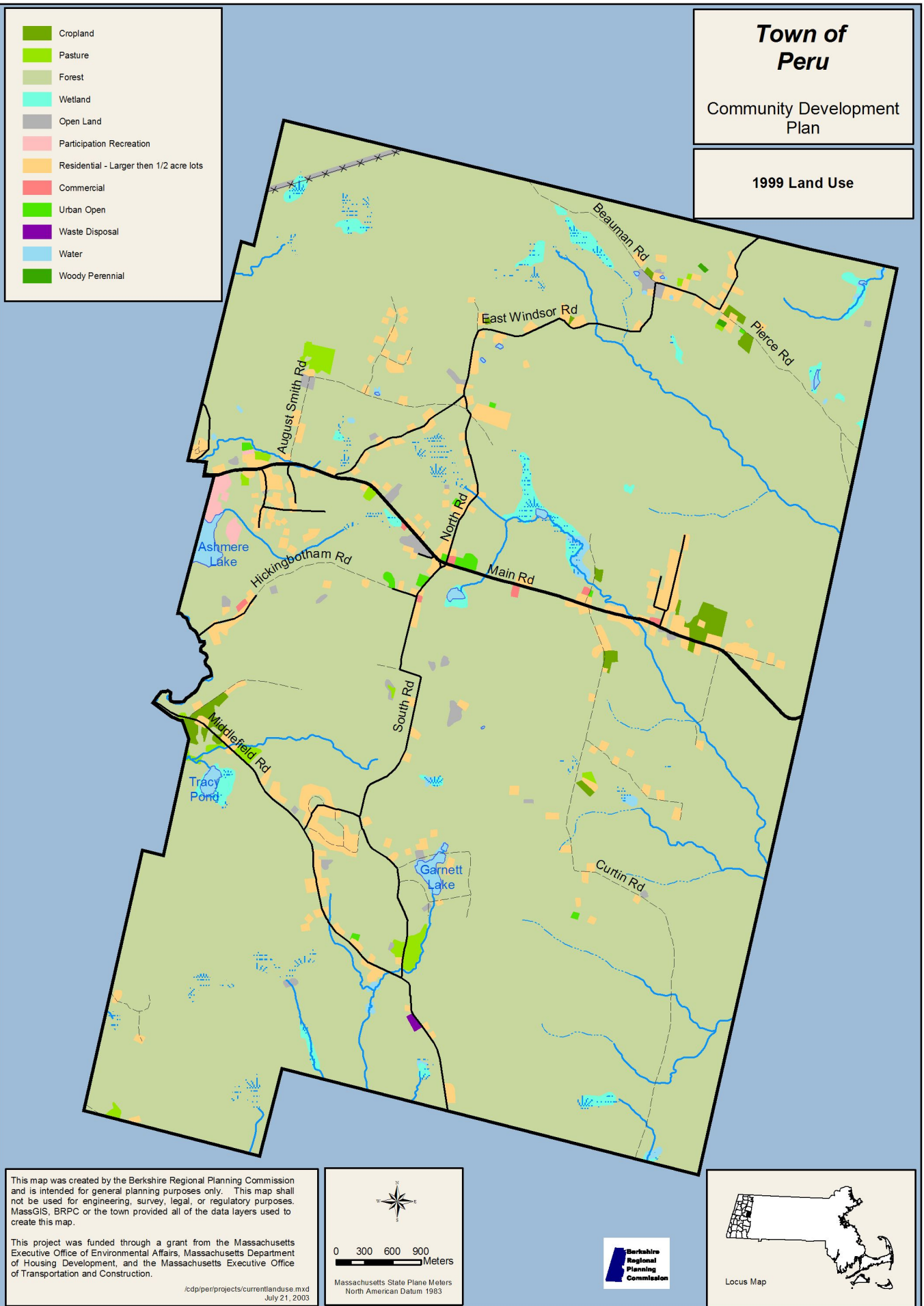
Current Zoning 2003

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/cdp/per/projects/currentzoning.mxd
July 21, 2003





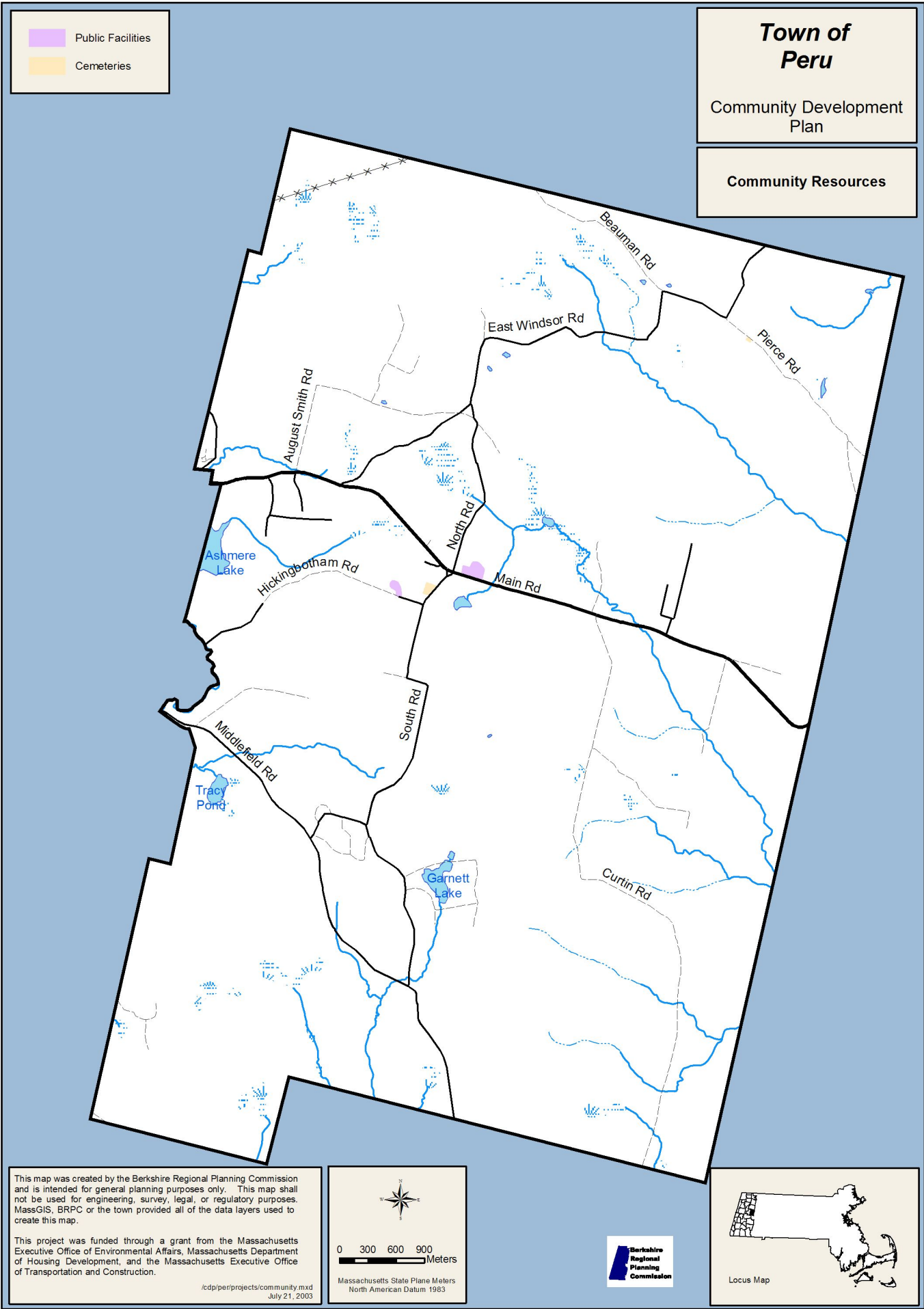
Public Facilities

Cemeteries

Town of Peru

Community Development Plan

Community Resources



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/cdp/per/projects/community.mxd
July 21, 2003

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Massachusetts State Plane Meters
North American Datum 1983



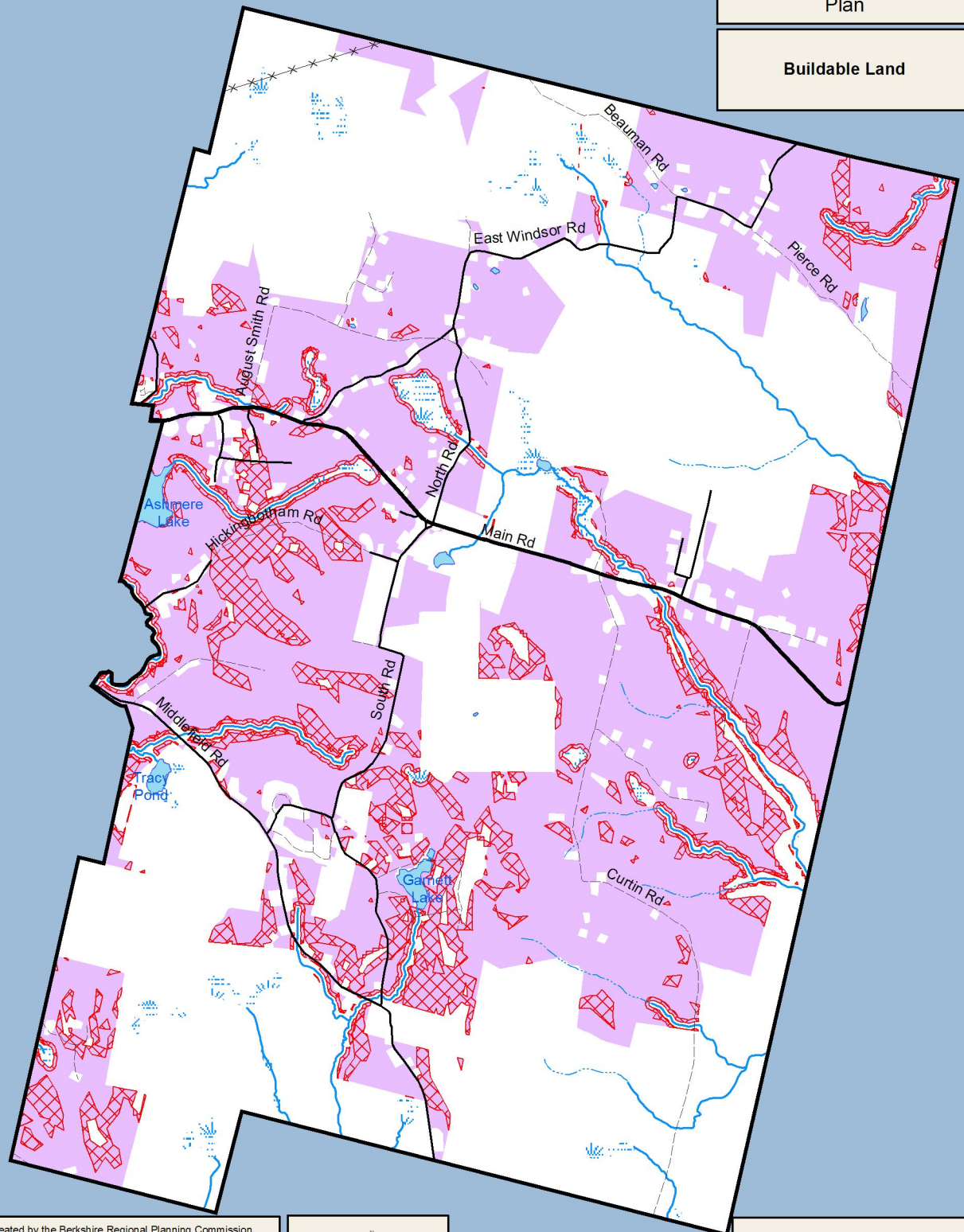
Locus Map

-  Partial Constraints
-  Buildable Land

Town of Peru

Community Development Plan

Buildable Land



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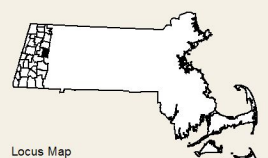
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July 21, 2003



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Massachusetts State Plane Meters
North American Datum 1983



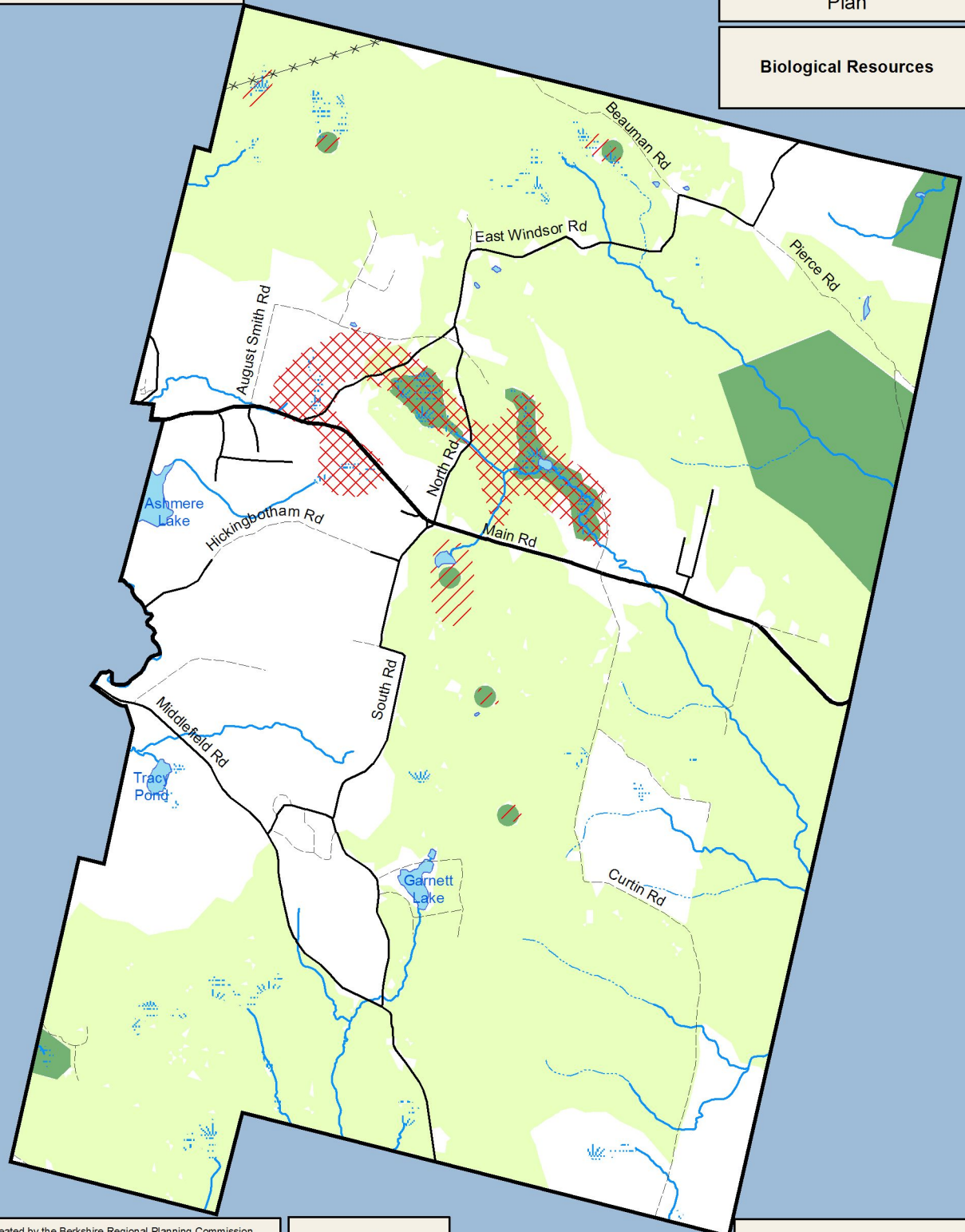
-  NHESP BioMap Core Habitat
-  NHESP BioMap Supporting Natural Landscape
-  Estimated Habitats for Rare Wildlife*
-  Priority Habitats for State-Protected Rare Species**

* NHESP 1999-2001 Estimated Habitats for Rare Wildlife:
For Use with the MA Wetlands Protection Regulations
(310 CMR 10).
**NHESP 1999-2001 Priority Habitats for State-Protected
Rare Species: NOT equivalent to 'Significant Habitat' as
designated under Massachusetts Endangered Species Act.

Town of Peru

Community Development
Plan

Biological Resources



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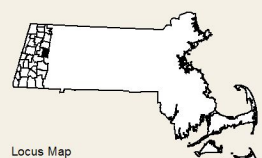
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/cdp/per/projects/biological.mxd
July 21, 2003



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Meters

Massachusetts State Plane Meters
North American Datum 1983



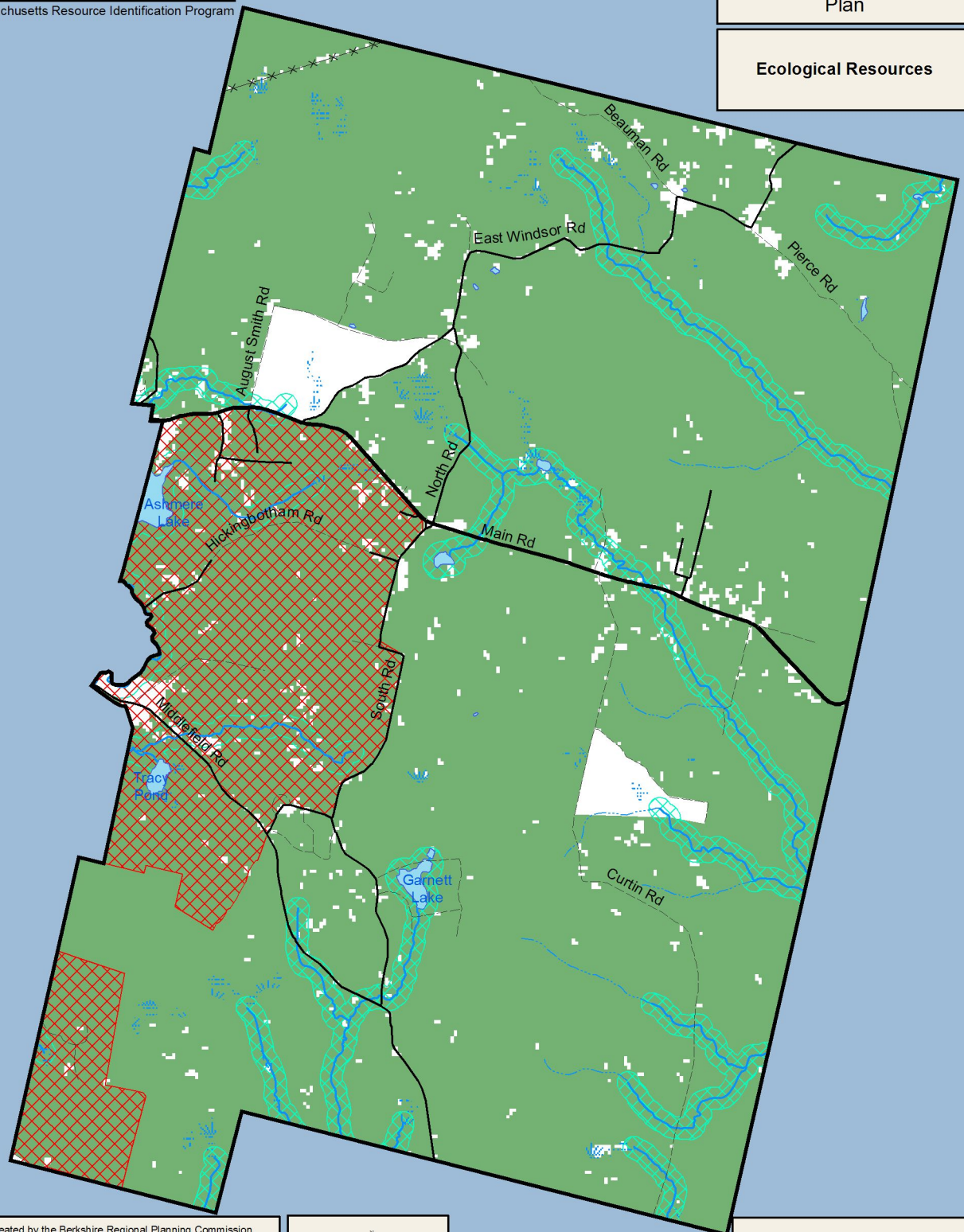
- MRIP Contiguous Natural Land
- MRIP Riparian Corridor
- Area of Critical Environmental Concern

MRIP - Massachusetts Resource Identification Program

Town of Peru

Community Development Plan

Ecological Resources



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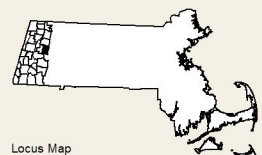
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/cdp/per/projects/ecological.mxd
July 21, 2003



0 300 600 900
Meters

Massachusetts State Plane Meters
North American Datum 1983



Locus Map

- Commercial
- Waste Disposal
- Solid Waste Facility

Town of Peru

Community Development
Plan

**Existing Commercial
and Industrial Land**



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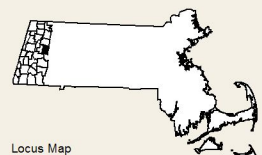
This project was funded through a grant from the Massachusetts Executive Office of Environmental Affairs, Massachusetts Department of Housing Development, and the Massachusetts Executive Office of Transportation and Construction.

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July 21, 2003



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Meters

Massachusetts State Plane Meters
North American Datum 1983



Locus Map

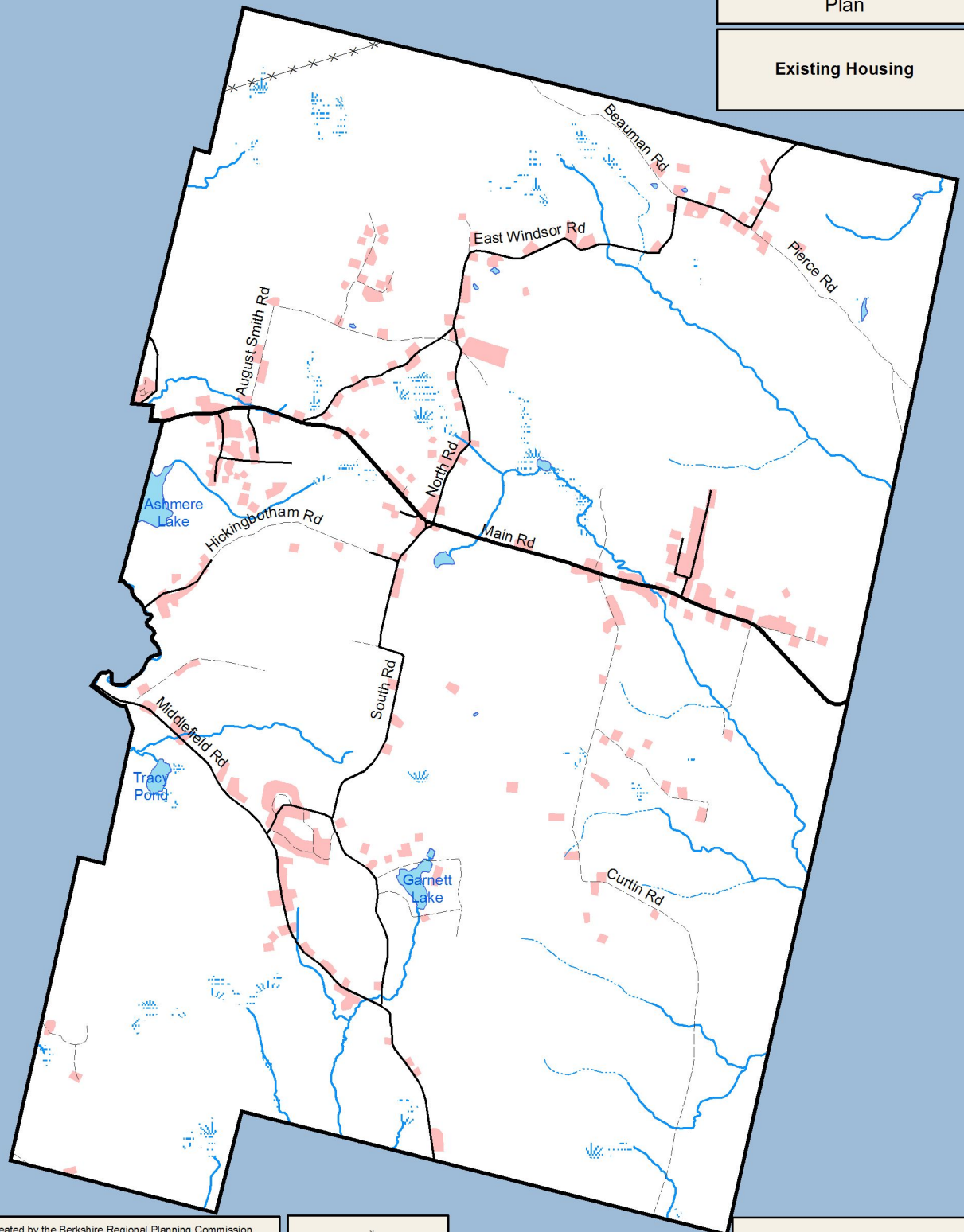
Residential Lot Size

 Larger than 1/2 acre lots

Town of Peru

Community Development
Plan

Existing Housing



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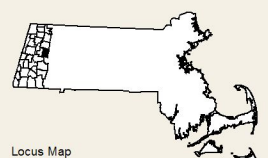
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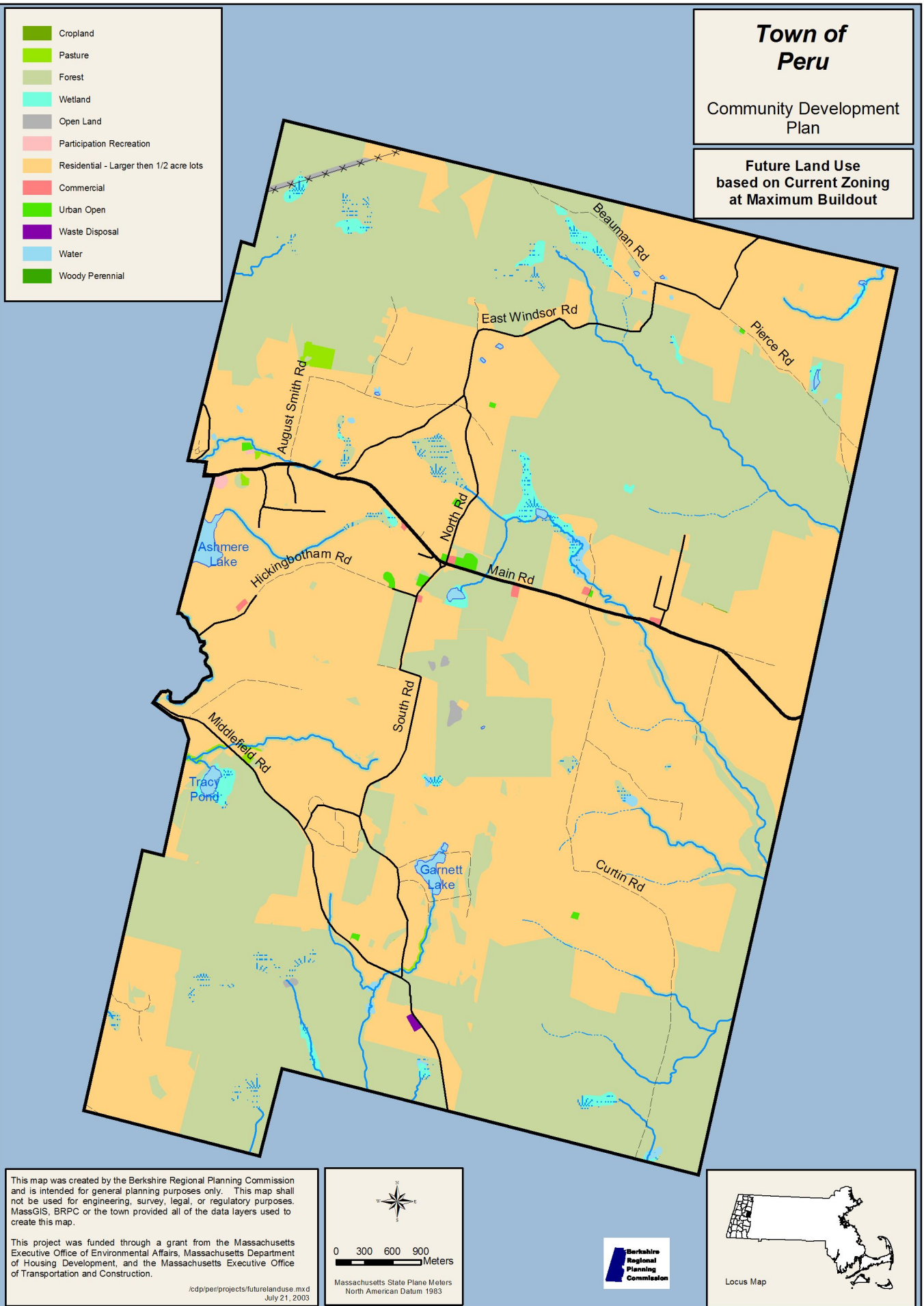
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July 21, 2003



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Meters

Massachusetts State Plane Meters
North American Datum 1983





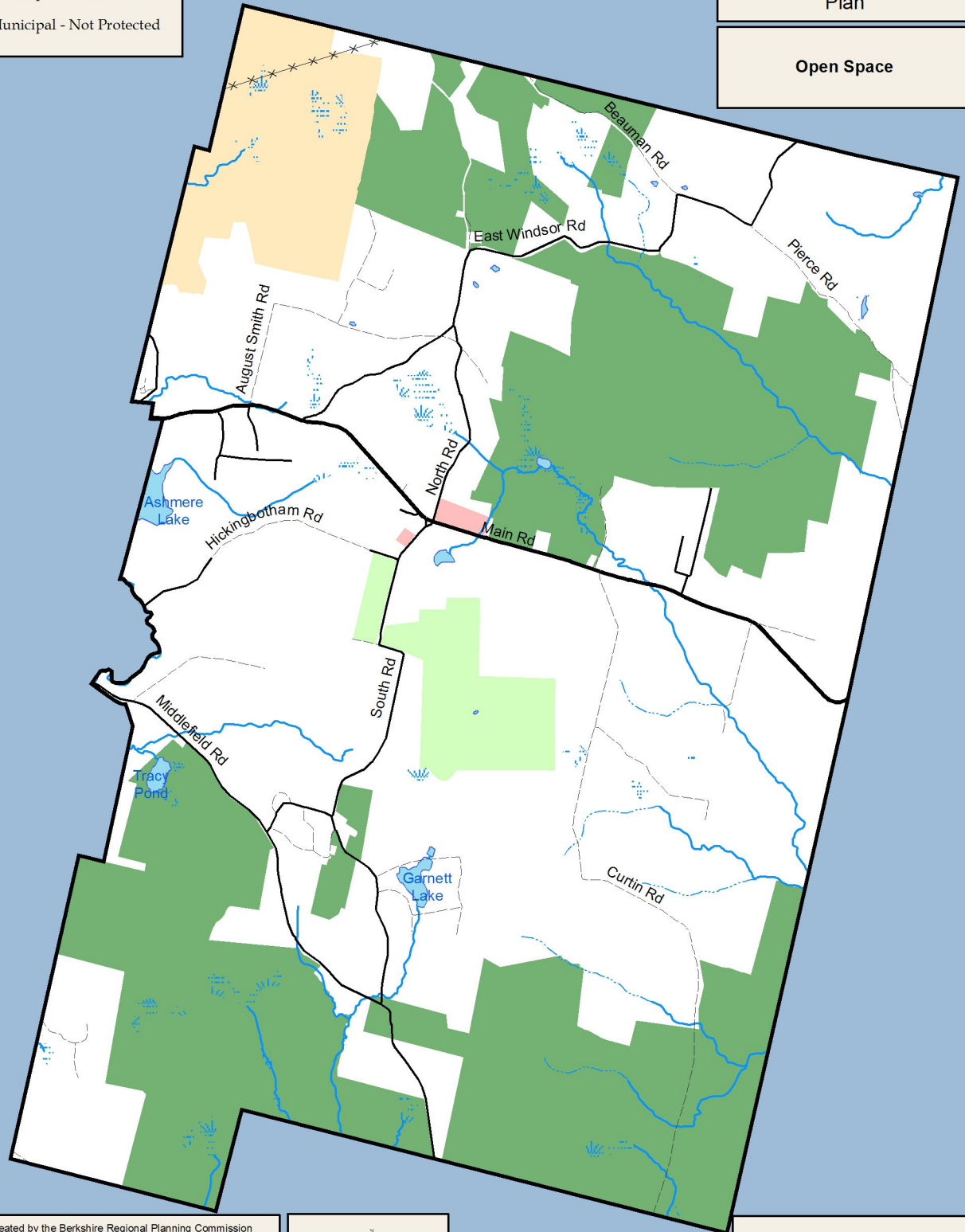
Open Space Status

- State
- Non-Profit
- Municipal - Protected
- Municipal - Not Protected

Town of Peru

Community Development Plan

Open Space



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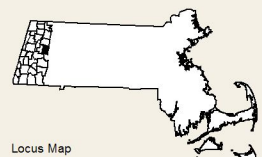
This project was funded through a grant from the Massachusetts Executive Office of Environmental Affairs, Massachusetts Department of Housing Development, and the Massachusetts Executive Office of Transportation and Construction.

/cdp/per/projects/openspace.mxd
July 21, 2003



0 300 600 900 Meters

Massachusetts State Plane Meters
North American Datum 1983



Population Density

- Less than 1 person/2 acres
- Greater than 1 person/2 acres

Town of Peru

Community Development Plan

Population Density



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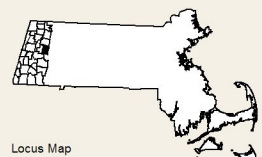
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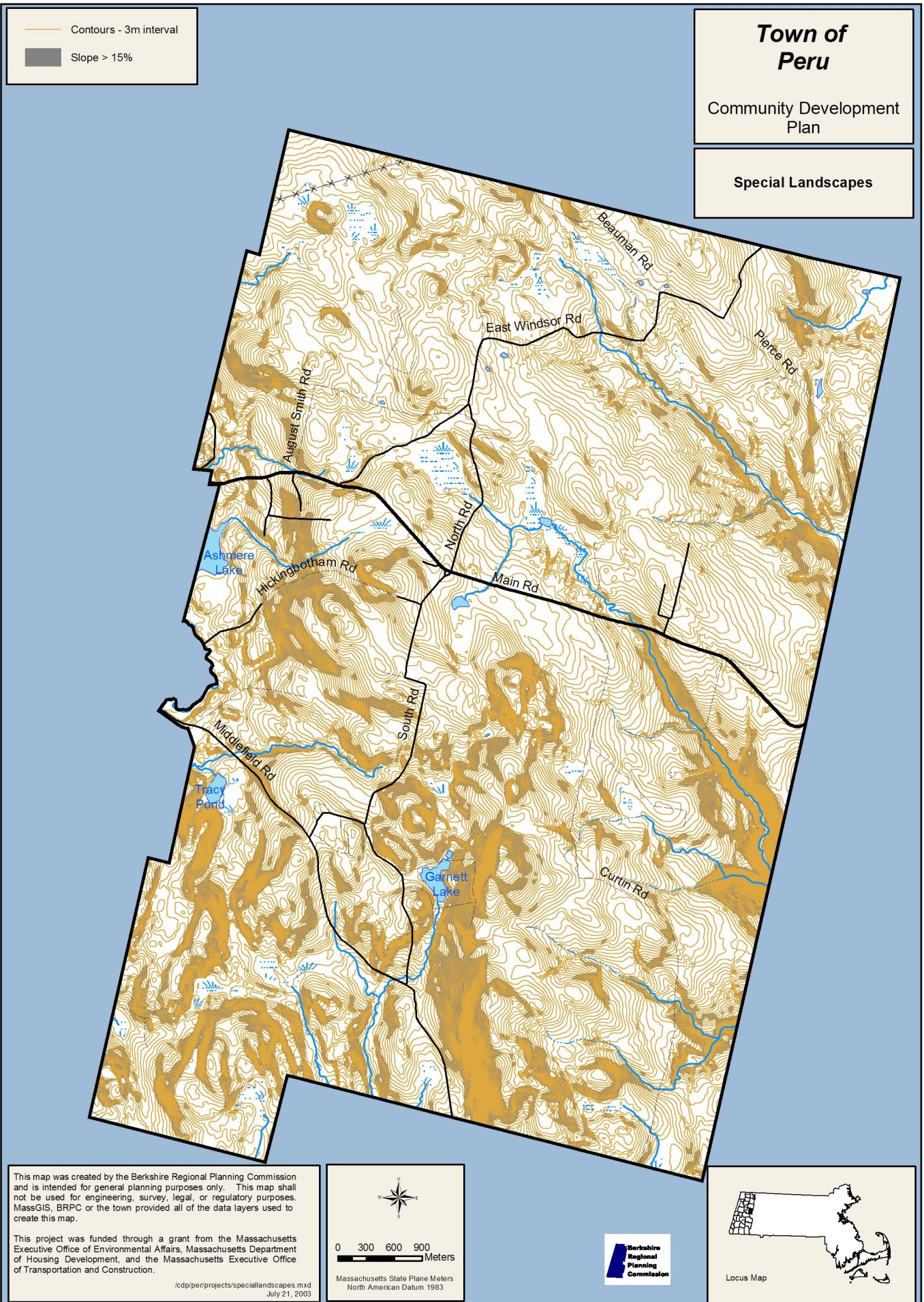
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July 21, 2003



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Massachusetts State Plane Meters
North American Datum 1983



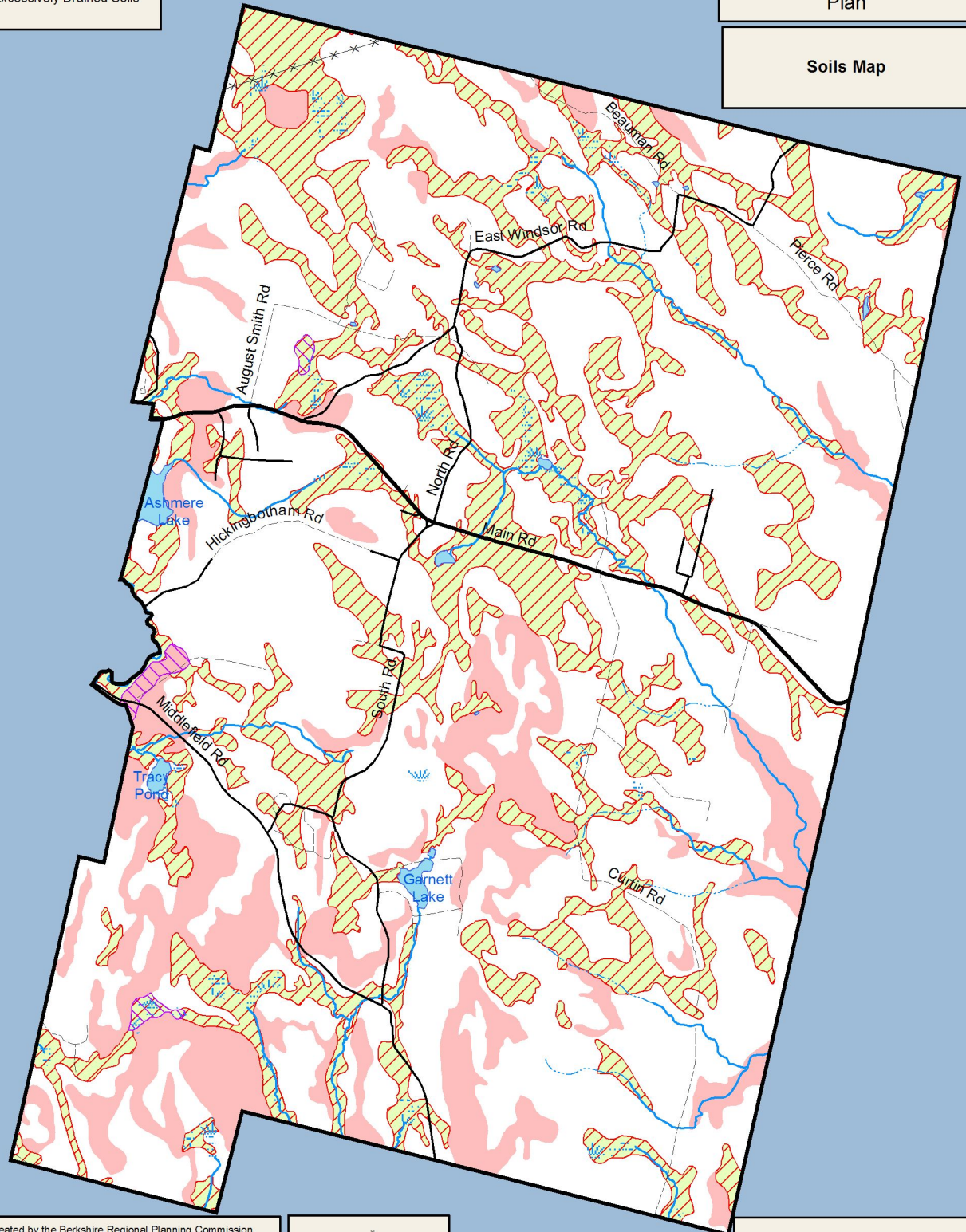


-  Highly Erodible Soils
-  Hydric Soils
-  Poorly Drained Soils
-  Excessively Drained Soils

Town of Peru

Community Development Plan

Soils Map



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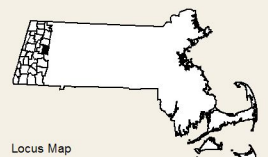
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/cdp/per/projects/soils.mxd
July 21, 2003



0 300 600 900 Meters

Massachusetts State Plane Meters
North American Datum 1983



Locus Map

Status of Roads

Town of Peru, Massachusetts

Street Name	Administration	Length (Miles)	Grid
Andes Road	Town Accepted	0.68	C3
Ash Lane	Town Accepted	0.43	B4
August Smith Road	Town Accepted	1.70	B3
August Smith Road	Discontinued (Dalton Fire District)	1.91	B2
Beauman Road	Town Accepted	1.16	C2
Birch Hill Road	Private	0.06	C4
Bonny Lane	Town Accepted	0.51	D4
Bradshaw Road	Discontinued	0.51	D7
Brookside Road	Private	0.38	C6
Bryan Road	Discontinued	0.54	D7
Causeway Road	Town Accepted - To be Statutory Private Way	0.55	C6
Cornell Lane	Private	0.27	B6
Curtin Road	Town Accepted	4.38	C6
David Drive	Town Accepted	0.21	D4
Dyke Road	Private	0.09	C6
East Main Road	Town Accepted	2.64	C4
East Windsor Road	Town Accepted	4.03	C3
Frary Road	Town Accepted	0.22	C2
Frary Road	Discontinued	1.03	C2
Garnet Hill Road	Discontinued	3.06	C7
Garnet Mountain Lane	Private	0.55	B6
Gentian Hill Road	Private	0.55	B7
Greylock Circle	Private	0.32	B6
Haskell Road	Town Accepted	0.99	B5
Haskell Road	Discontinued	0.47	B5
Hickingsbotham Road	Town Accepted	1.63	B4
Hill Road	Private	0.08	Inset
Hillside Road	Private	0.05	Inset
Hilltop Road	Town Accepted	0.12	D4
Kreutzer Road	Town Accepted	0.92	C5
Kreutzer Road	Discontinued	0.64	D6
Lafayette Drive	Town Accepted	0.32	B3
Lakeview Road	Private	0.31	C6
Lakeview Road Extension	Private	0.16	C6
Lee Road	Private	0.01	Inset
Marlow Drive	Town Accepted	0.37	B4
Matteau Road	Town Accepted	0.13	A8
Middlefield Road	Town Accepted	3.58	B5
Middlefield Road	Town Accepted	0.12	C4
Minsters Road	Town Accepted	0.75	C4
Mongue Road	Discontinued	1.29	C3
North Road	Town Accepted	1.21	C4
O'Brien Lane	Town Accepted	0.19	D3
Old Town Road	Discontinued	0.56	B3
Old Town Road	Discontinued	0.94	C3
Orpin Road	Discontinued	0.85	C7
Orpin Road	Discontinued	0.26	D6
Pierce Road	Town Accepted	1.66	D3
Pine Road	Private	0.06	Inset
Raymond Road	Town Accepted	0.47	B3
Rice Road	Discontinued	1.26	C5
Ridge Road	Private	0.11	B7
Rita Road	Town Accepted	0.09	D4
South Road	Town Accepted	2.57	C5
South Road Extension	Town Accepted	1.17	C6
Spruce Drive	Town Accepted	0.31	C3
Spruce Road	Private	0.06	Inset
Stephanie Lane	Private	0.20	B7
Stone Road	Private	0.03	Inset
Strong Road	Town Accepted	0.70	D5
Strong Road	Discontinued	0.39	D6
Unknown	Town Accepted - Unknown Status	0.54	C6
Weeks Road	Town Accepted	0.23	C3
West Haskell Road	Town Accepted	0.15	C5
West Main Road	Town Accepted	1.86	C3

Town Accepted

Private

Discontinued

Town Accepted - unknown status

Town Accepted - To be statutory private way / discontinued

Power Line

Perennial Stream

Intermittent Stream

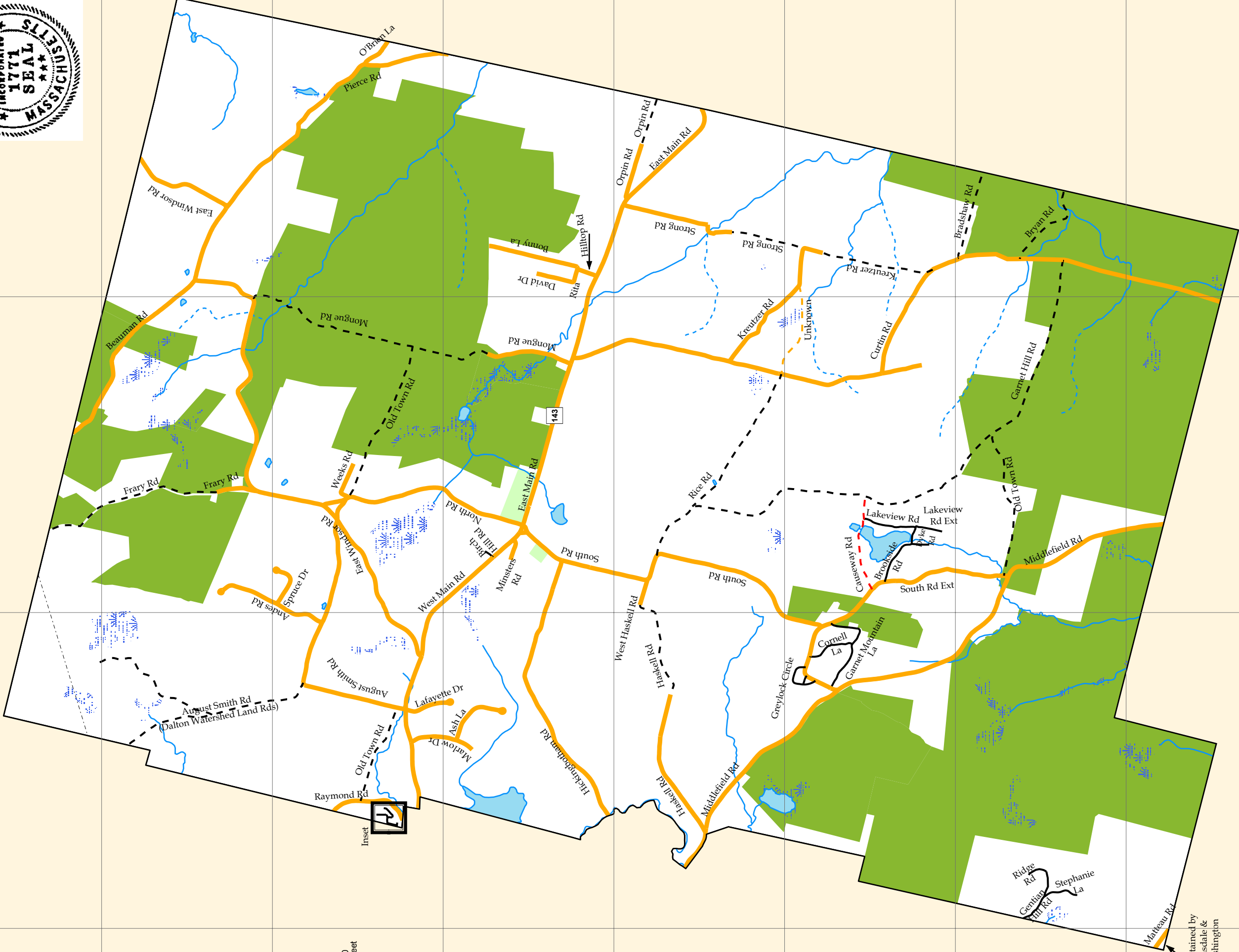
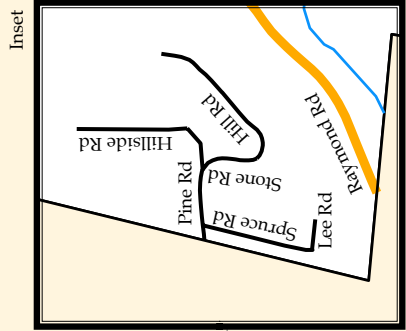
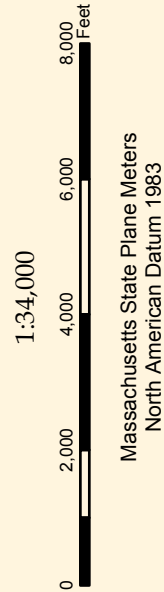
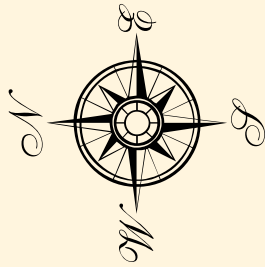
Lake / Pond

Wetland / Marsh

State and Federal Land

Municipal Land

Prepared As Part of
the EO418 Community
Development Plan
(June 30, 2004)

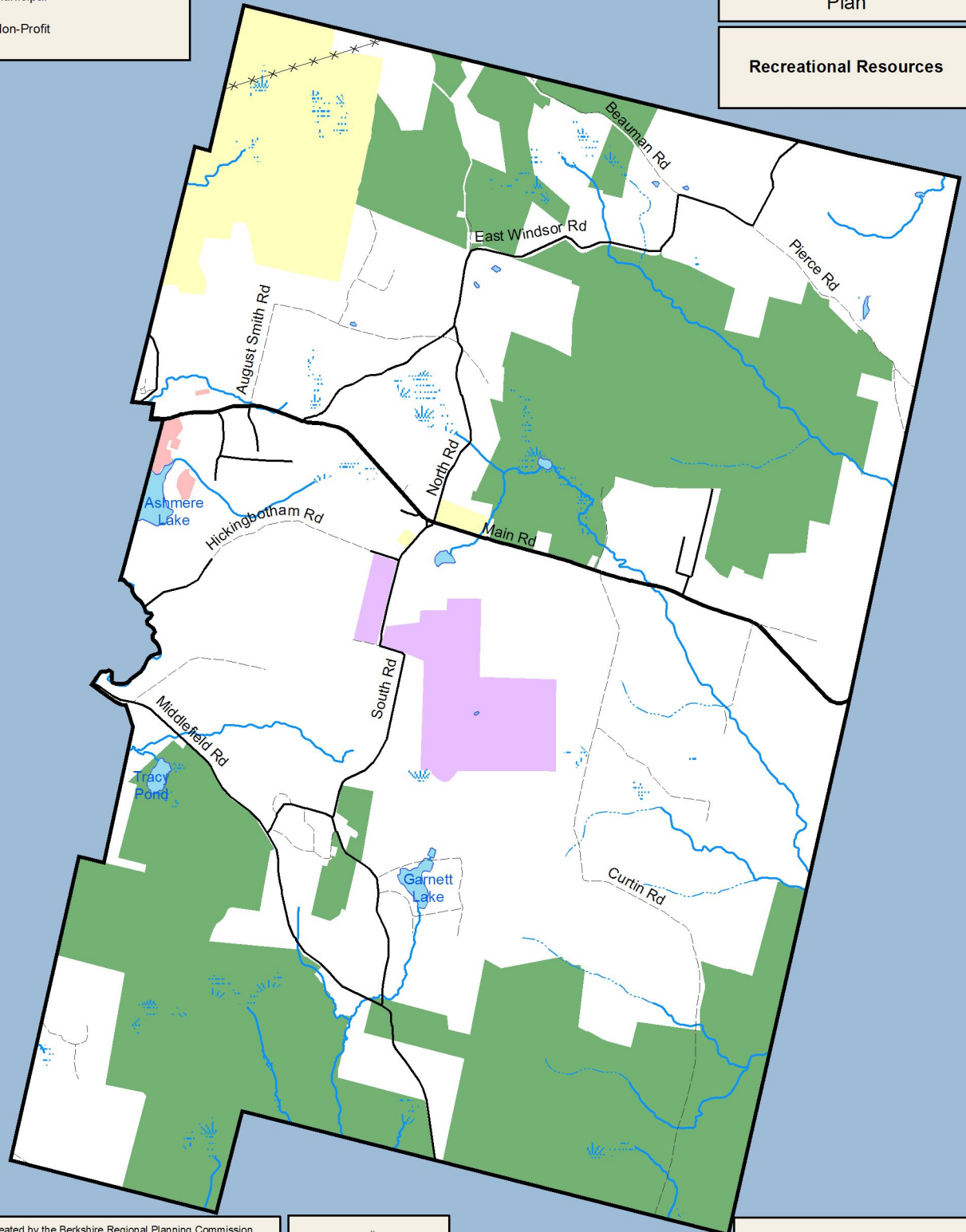


- Participation Recreation
- Publicly Accessible Open Space**
- State
 - Municipal
 - Non-Profit

Town of Peru

Community Development Plan

Recreational Resources



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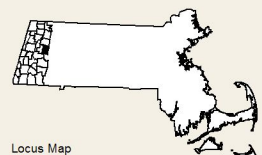
This project was funded through a grant from the Massachusetts Executive Office of Environmental Affairs, Massachusetts Department of Housing Development, and the Massachusetts Executive Office of Transportation and Construction.

/cdp/per/projects/recreation.mxd
July 21, 2003



0 300 600 900
Meters

Massachusetts State Plane Meters
North American Datum 1983



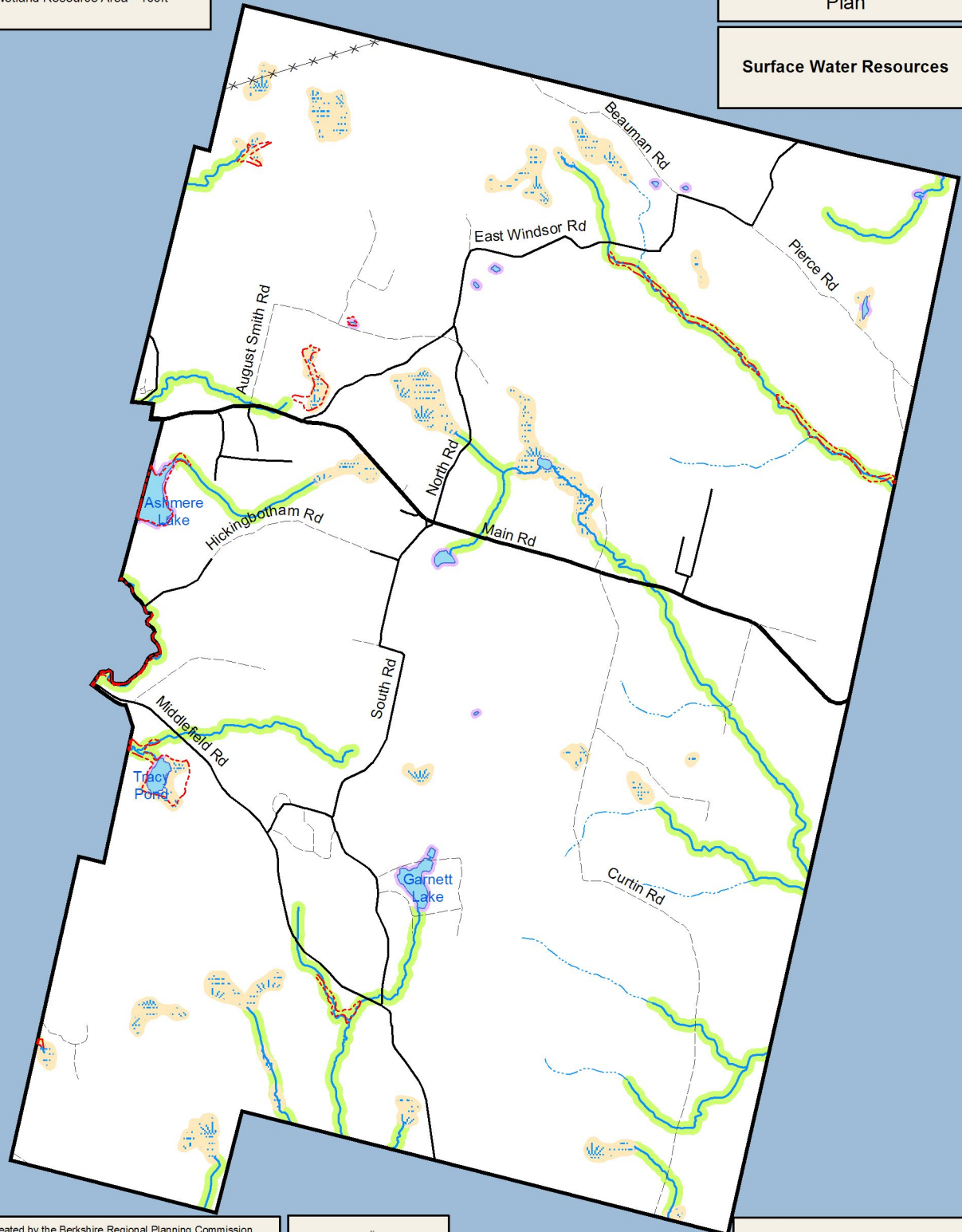
Locus Map

- FEMA 100yr Flood Zone
- River Protection Area - 200ft
- Lake / Pond Resource Area - 100ft
- Wetland Resource Area - 100ft

Town of Peru

Community Development
Plan

Surface Water Resources



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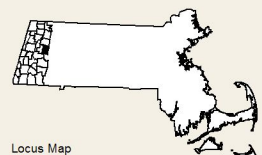
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/cdp/per/projects/surfacewater.mxd
July 21, 2003



0 300 600 900
Meters

Massachusetts State Plane Meters
North American Datum 1983



Locus Map

Appendix

Appendices

8

Proposed Zoning Amendments
Proposed Zoning Amendment Summary, Outline &
Press Release
Highlands Community Initiative Grant Program

A.1
A.2
A.3

Appendix A.1

Proposed Zoning Amendments

ZONING BYLAW
of the
TOWN OF PERU

REVISED DRAFT
July 2004

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SECTION 1 **TITLE, AUTHORITY & PURPOSE**

1.1 Title

This Bylaw shall be known as the "Zoning Bylaw of the Town of Peru, Massachusetts", hereinafter referred to as "this Bylaw".

1.2 Authority

This Bylaw is adopted in accordance with the provisions of M.G.L. Chapter 40A as amended to regulate the use of land, buildings and structures to the full extent of the independent constitutional powers of cities and towns to protect the health, safety and general welfare of the present and future inhabitants of the town.

1.3 Purpose

The purpose of the Bylaw is to provide for the Town of Peru all the protection authorized by the Laws of the Commonwealth of Massachusetts (M.G.L.), Chapter 40A as amended, and to promote the health, safety, convenience and welfare of the inhabitants of the Town. Protection of these interests shall include, but not be limited to the following objectives:

- 1.3.1 To prevent overcrowding of land; to secure safety from fire, flood, panic and other dangers, to conserve health; to lessen congestion in the streets;
- 1.3.2 To facilitate the adequate provision of transportation, water supply, drainage, sewage, schools, parks, open space and other public requirements;
- 1.3.3 To conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment;
- 1.3.4 To preserve and increase amenities by the promulgation of regulations designed to:
 - A. Protect the Town's areas of scenic beauty, its brooks, ponds, wetlands and water resources, and other significant environmental features;
 - B. Minimize the adverse effects of development on natural resources and municipal facilities;
 - C. Preserve and enhance agriculture and the use of land for agricultural purposes.
 - D. Employ cooperatively the various measures taken by the Town's agencies, under diverse legislative authority, including the State Sanitary Code, Wetlands Protection Act, Subdivision Control Law and the State Building Code, for the preservation of the Town's existing rural character, open spaces, low density of population, and in the interests of the Town's orderly growth at a deliberate pace.

- 1.3.5 To preserve and increase by the promulgation of these regulations to fulfill the above objectives in cooperation with other town agencies and measures they have taken under other legislative and town authority.

SECTION 2 **DEFINITIONS**

For the purpose of this Bylaw, the following words and terms as used herein shall have the meanings or limitations of meaning hereunder defined, explained or assigned:

ACCESSORY APARTMENT: A secondary housing unit of lesser square footage, with a separate entrance and separate kitchen and bathroom facilities, which is constructed within or attached to a principal residence or accessory structure,.

ACCESSORY BUILDINGS: Any building which is subordinate to and whose use is incidental and subordinate to an existing principal and primary building on the same lot or an adjoining lot under the same ownership. Accessory buildings shall include but not be limited to such structures as garages, storage sheds, barns, etc. An accessory building shall not be larger in floor area than the ground floor area of the principal building.

ACCESSORY USE: A use on the same lot or an adjoining lot under the same ownership, that is of a nature customarily incidental and subordinate to the principal use.

BED AND BREAKFAST ESTABLISHMENT: A dwelling having a mixed use as a home for the residential owner and as guest lodging with the lodging function often if not always superseding the home use. The home is to be the primary and legal residence of the owner. The maximum number of guests that would be permitted at any one time shall be 6 (six). The maximum number of rooms for rent shall be four (excluding the owner's private quarters).

BILLBOARD: A sign or structure, in excess of twenty-five (25) square feet, directing attention to an idea or product, business activity, services or entertainment which is primarily conducted, sold or offered elsewhere than upon the premises on which sign is located or affixed.

BUILDING: Any structure having a roof supported by columns or by walls and intended for the shelter or enclosure of persons, animals or property. The word "building" shall be construed, where the context allows, as though followed by the words "or part or parts thereof".

BUILDING HEIGHT: The vertical distance from the average finished grade within ten (10) feet of the walls of the building to the highest point of the roof. Maximum building height shall be 35' or 2 ½ stories.

CHILD CARE FACILITIES: A facility operated on a regular basis which receives children not of common parentage under seven years of age, or under sixteen years of age if such children have special needs, for non-residential custody and care during part or all of the day separate from their parents, subject to the conditions contained in Massachusetts General Law Chapter 28A, Section 9, as amended from time to time.

DWELLING: Any building used exclusively for human habitation, including any permitted home occupation but excluding hotels, motels, lodging houses, inns or mobile homes.

DWELLING, ONE FAMILY: A detached residential building designed for and occupied by one (1) family only, but not including mobile homes whether placed on a foundation or not.

DWELLING, TWO FAMILY: A detached residential building containing two (2) dwelling units, designed for occupancy of not more than two (2) families, not to include mobile homes whether placed on a foundation or not.

DWELLING, MULTIPLE FAMILY: A residential building designed for or occupied by three (3) but not more than six (6) families, with the number of families in residence not exceeding the number of dwelling units provided. Dwelling units within multiple family units may be owned individually or rented.

DWELLING UNIT: One or more rooms constituting a separate, independent housekeeping establishment with cooking, living, sanitary and sleeping facilities for the use of one (1) family.

EXTERIOR ALTERATION: An increase in volume or a change in the footprint of a structure.

FAMILY: One or more individuals related by blood, marriage or adoption, or not more than five (5) individuals who are not so related living in a single dwelling unit.

FARM: Any parcel of land which is used for horticulture, agriculture, floriculture or the raising of animals, including but not limited to, dairy cattle, beef cattle, poultry, sheep, swine, horses, ponies, mules, goats, bees, or fur bearing animals for the purpose of selling produce, animals or a product derived from such animals or produce in the regular course of business.

FENCE: An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

GASOLINE STATION OR AUTOMOTIVE REPAIR SHOP: A building, or part thereof, for the retail sale of gasoline, oil, and auto accessories and automotive repairs and servicing such as lubricating, tune-ups, adjusting, and repairing brakes, tire service, and general automotive service.

HOME-BASED BUSINESS: Any activity conducted by a resident within a dwelling for financial gain. A home-based business shall be an accessory use to the primary residential use of the parcel involving no undue traffic or noise.

HOTEL, LODGING HOUSE OR INN: A building rented or used by paying guests, transiently or permanently with the total number of available rooms not exceeding fifteen (15).

KENNEL: The raising or keeping of more than three dogs, more than six (6) months old, on a lot for commercial purposes.

LANDSCAPING: In all cases where landscaping or planting is required by the provisions of this Bylaw, such trees, shrubs and other plant materials must be live specimens as opposed to artificial plant materials.

LOT: A single tract of land held in identical ownership throughout, defined by metes and bounds or lot lines or other definite boundaries in a deed or conveyance, or shown on a duly recorded plan, used or available for use as the site for one or more buildings.

LOT COVERAGE: Includes all buildings, structures, internal roads, parking areas, driveways, sidewalks, etc. that are impervious to water. Parking areas, driveways, etc. not covered with impervious material are not considered as part of lot coverage.

LOT, FRONTAGE: The continuous distance along the street line which provides direct access to the lot, except for lots in a turnaround in an approved subdivision where frontage will be measured at the minimum front setback line as provided in Section 6 herein, provided, however, that the depth of any lot created after the effective date of this Bylaw, shall not be less than twenty (20) feet at any point along its frontage in order to qualify for frontage under this Bylaw. 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.

MINI-STORAGE: a building containing separate, individual self-storage units divided from the floor to the ceiling by a wall with an independent entrance from the exterior of the building, designed to be rented or leased on a short-term basis to the general public for private storage of personal goods, materials, and equipment.

MOBILE HOME: a dwelling unit built on a steel chassis, and usually framed with steel, having provision for transportability on its wheels or detachable wheels or a flatbed trailer. For the purpose of this Bylaw, the term "mobile home" shall include also trailers, camper conversions, motorized homes and bus or van conversions which are designed to provide human habitation.

NON-CONFORMING USE: A building structure, or use of land, existing at the time of this Bylaw or any amendment thereto which does not conform to the requirements of this Bylaw or amendments thereto.

PLACES OF AMUSEMENT/ASSEMBLY: An establishment engaged in providing amusement or entertainment for a fee or admission charge and which includes such activities as dance halls, studios, theatrical productions, bands, orchestras and other musical entertainment, bowling alleys and billiard and pool establishments, commercial sports, such as arenas, rings, racetracks and public golf courses, and coin-operated devices, amusement parks, swimming pools and expositions.

PRINCIPAL BUILDING: The main or most important building on a lot; attached structures shall be considered an integral part thereof provided such structures are completely enclosed by continuous walls supporting a roof. A principal building shall exist prior to the existence of an accessory use or accessory building on the lot.

PUBLIC UTILITY: Services provided by a public service corporation through erection, construction, alteration or maintenance of Electrical Generating Facilities, gas, steam or water transmission or distribution systems and collection, communication, supply or disposal systems whether underground

or overhead. Facilities necessary for the provision of a public utility includes poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment in connection therewith.

RESTAURANT: An establishment, the principal activity of which is the service or sale of food or drink for on-premises consumption.

SIGN: Any structure or device used for the purposes of visual communications, which identifies or calls attention to any premises, person, product, activity, business or use of a property. For the purpose of this Bylaw the following shall not be included in the application of the regulations herein:

- a. Legal notices, identifications, information, directional or warning sign erected or required by governmental agents or bodies; or various warning signs as commonly used by property owners;
- b. Memorial signs or tablets not exceeding one (1) square foot in area;
- c. Signs directing, guiding or controlling traffic and parking on private property but bearing no advertising matter;
- d. Temporary signs on the inside of glass of store windows as commonly used in retail business, or signs of special events or for political candidates.

SIGN AREA:

- a. The area of a sign shall be considered to include all lettering, working, and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any "cutouts" or extensions, but shall not include any supporting structure or bracing.
- b. The area of a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, shall be considered to be that of the smallest quadrangle or triangle which encompasses all of the letters and symbols.
- c. The area of a sign consisting of a three-dimensional object shall be considered to be the area of the largest vertical cross section of that object.

SITE PLAN: A plan indicating, but not limited to the following, the lot size and frontage, the location of existing buildings and structures, the exact location of proposed buildings and structures and their distances from all lot lines, the location of the septic system and well, all streams, ponds and other wetland areas, the access roads, driveways, parking areas, and all proposed site improvements, including recreational areas, fences, walks and signs. Said plan must be prepared by a registered professional land surveyor or professional engineer.

SPECIAL PERMIT GRANTING AUTHORITY: The Zoning Board of Appeals is designated by this Bylaw as the Special Permit Granting Authority responsible for issuing Special Permits for a particular use or purpose in accordance with these Bylaws.

STREET: A public way, or private way either shown on a plan approved in accordance with the Subdivision Control Law, or otherwise qualifying lots along it for frontage under the Subdivision Control Law.

STRUCTURE: A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, reviewing stand, platform, or deck. Structure shall specifically include all projections under the roofline and specifically exclude all projections above the roofline and overhang.

TRAVEL TRAILER: A vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation purposes.

SECTION 3: ZONING DISTRICTS

For the purposes of this Bylaw the whole area of the Town of Peru constitutes a residential agricultural zoning district with uniform regulations for each class or kind of structures or use permitted.

SECTION 4 USE REGULATIONS

Except as provided by law or in this Bylaw, no building or structure shall be erected, and 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. Any use not specifically permitted is specifically prohibited.

4.1 Uses Permitted by Right

- A. One- or two-family dwelling.
- B. Conversion of a one-family dwelling into a two-family dwelling.
- C. Construction of an accessory apartment within a residence or accessory structure.
- D. Child Care Facilities.
- E. Use of land and structures for a farm, agriculture, horticulture, or floriculture.
- F. Religious or educational use on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic, or by religious sect or denomination, or by a nonprofit educational corporation.
- G. Municipal or governmental use including but not limited to municipal buildings libraries, parks, playgrounds or other facilities owned or operated by a town agency.

- H. Accessory uses or structures customarily incidental to a principal permitted use on the same premises. Such uses may include but not be limited to the following:
 - 1. The use of a room or rooms in a dwelling or accessory building by a resident occupant for practice of a recognized profession, or by a resident carpenter, painter, plumber, electrician, or other artisan in connection with his trade, or by a resident engaged in a customary home based business, as defined in Section 7.4, provided that there is no external evidence of any business other than a permitted sign.
 - 2. The display and sale by a resident of the premises at a roadside stand or otherwise, of natural products of which are produced on the premises.
 - 3. Display of sign or signs as regulated in Section 7.5 of this Bylaw.
- I. Charitable fund raising events of a temporary nature.
- J. Bed and Breakfast Establishment as regulated in Section 7.3 of this Bylaw.

4.2 Uses Allowed by Special Permit

- 4.2.1 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. Gravel, stone, or loam storage or removal.
 - B. Commercial dog kennel, veterinary hospital or riding stable.
 - C. Proprietary private chartered educational institutions.
 - D. Commercial saw mill, pallet shop, and construction contractor.
 - E. Nursing home or convalescent home.
 - F. Bowling alley, ski tow, billiard room, dance hall, roller skating rink and similar commercial places of amusement.
 - G. Airfield, airport, landing strip and hangers.
 - H. A dam which will impound more than one (1) million gallons of water.
 - I. Retail business or consumer service establishment, not exceeding 2,000 square feet of floor area, shall include but not limited to food store, barber or beauty shop, antique shop, tavern, restaurant, eating establishment, automotive repair shop, gasoline service station, bank or other professional office use, subject to the following special requirements:

1. The lot shall be sufficient in size so as to provide suitable off-street parking area with adequate disposal of storm water, capable of accommodating parked vehicles as required by Section 7.10 of this Bylaw.
 2. No commercial building, structure, parking area or driveway providing access to or from a public way for such use shall be located within fifty (50) feet of any side or rear property line, if a residential use is located on the immediately adjacent property.
 3. If a non-residential use is located on the immediately adjacent property, or parking area or driveway providing access to or from a public way for such use shall be located no closer than 10 feet from any side or rear property line.
 4. All display, storage, and sales to be conducted within a building.
- J. Public Utilities including wireless communication facilities as specified in Section 9 of this Bylaw.
- K. Campground or recreational vehicle park, as regulated under the State Environmental Sanitary Code.
- L. Hotel, Lodging House or Inn.
- M. The use of a room or rooms in a dwelling or accessory building by a non- resident for practice of a recognized profession, or by a carpenter, painter, plumber, electrician, or other artisan in connection with his or her trade provided that there is no external evidence of any business other than a permitted sign. This Bylaw considers this an accessory use to the primary use, which is residential.
- N. Multiple-Family Dwellings.
- O. Energy conversion systems or generating facilities, or windmills (hereinafter referred to as a facility) may be authorized by special permit issued by the Planning Board as required by Section 10 of this Bylaw.
- P. Mobile Homes or Travel Trailers as specified in Section 7.6 of this Bylaw.
- Q. Mini-Storage Units as specified in Section 7.11 of this Bylaw.

SECTION 5 PROHIBITED USES

5.1 The following uses are expressly prohibited.

- A. The accumulation, harboring, or dismantling of any motorized vehicle, metals appliances or parts of any motorized vehicle, or assorted items in a state of disrepair, otherwise classified as junk.

- B. Storage or treatment of ash, or other similar material resulting in the creation of dust.
- C. Garbage and refuse incinerators, or the storage, accumulation or dumping of garbage, biohazardous material or other refuse matter on the premises, except in areas operated for that purpose by the Town of Peru or its approved contractors.
- D. The collection, treatment, storage, burial, incineration or disposal of chemical and/or radioactive waste within the town boundaries. Such wastes shall include, but not be limited to, wastes classified and commonly known as low-level radioactive waste, and hazardous chemical waste.
- E. Shopping mall, office park or mini-mall.
- F. Amusement park, go-cart track, commercial motocross track or race track.
- G. 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 objectional 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 6 INTENSITY REGULATIONS

- 6.1 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 Bylaw.
- A. The minimum lot area shall not be less than two (2) acres and the frontage not less than one-hundred fifty (150) feet.
 - B. The minimum set-back for any structure shall be sixty-five (65) feet from public ways or private ways and one-hundred (100) feet from state numbered highways to be measured from the center line of the right-of-way. The minimum side-yard and rear-yard set-backs shall be thirty (30) feet.
 - C. 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 Bylaw.
 - D. 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.
 - E. 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 Bylaw.

- F. The height of any building or structure shall not exceed 35 feet. Height restrictions do not apply to agricultural buildings or structures, spires, chimneys, antennae or other appurtenances usually placed above roof level and not intended for human occupancy.

SECTION 7 SPECIAL PROVISIONS

7.1 Nonconforming Structures, Uses and Lots

- A. The provisions of this Bylaw shall not apply to structures or uses lawfully in existence or lawfully begun at the time of the adoption of this Bylaw as provided in Chapter 40A (M.G.L.), Section 6.
- B. Any pre-existing nonconforming structure or use may be rebuilt or reestablished within two (2) years if damaged or destroyed by fire or other catastrophe.
- C. 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 change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.
 - 1. Notwithstanding the special permit requirements for pre-existing nonconforming structures or uses, the following exemption provisions shall apply to existing non-conforming improved lots.
 - a. Exempt from the Zoning Board of Appeals special permit requirements are new construction, alteration or renovation of, but not limited to, a deck, porch, patio, entryway, addition, attached garage, garden shed or accessory building provided the proposed work is in compliance with Section 6 (Intensity Regulations) and meets front, rear and side yard setbacks for boundary lines.
 - b. Also exempt is reconstruction, replacement or renovation of existing non-conforming structures within the exact same footprints and building height.
 - c. Exemptions are subject to a determination by the Building Inspector that the proposed work will not be substantially more detrimental to the neighborhood than the existing nonconforming use; and if, in the opinion of the Building Inspector, the proposed work on a nonconforming lot would have an affect on neighboring properties, he or she shall direct any building permit applicant to the Zoning Board of Appeals.
- D. A non-conforming use of land or structure which has been abandoned or not used for a period of two (2) years or more shall not be reestablished and any future use of such premises shall conform to this Bylaw.

- E. Non-conforming lots of record and lots shown on a plan endorsed by the Planning Board under the Subdivision Control Law are exempt from the provisions of this Bylaw to the extent and as provided in M.G.L. Chapter 40A, Section 6.

7.2 Accessory Structure

- A. No accessory building or structure shall be located within the required front yard setback area. No accessory building shall be located in any side yard nearer to the side lot line than thirty (30) feet, or in a rear yard nearer to the rear lot line than thirty (30) feet. Lots located on the corner of the street, road or public way will require that no accessory building be located in any side yard nearer to the side line than thirty (30) feet.
- B. Prior to the construction of an accessory building or structure (as defined in Section 2 of this Zoning Bylaw), a building permit shall be obtained from the building inspector who may request a set of plans for this use.

7.3 Bed And Breakfast

The use of a single-family structure for a Bed and Breakfast establishment may be allowed under special permit from Zoning Board of Appeals, provided that the following conditions are complied with:

- A. The single-family structure must be owner-occupied.
- B. No more than four (4) rooms may be rented for transient occupancy.
- C. Rooms rented for transient occupancy shall, be without individual kitchen facilities and may have either private or shared bathroom facilities.
- D. All rooms share a common entrance.
- E. The portion of the dwelling devoted to transient occupancy shall be secondary to the use of the dwelling as a single-family residence and shall not change the external character of the building.
- F. One parking space shall be provided for each room.
- G. Parking areas and exterior recreational facilities such as swimming pools and tennis courts shall be unobtrusive and screened from view by planting, fences or other suitable method.
- H. The structure and use shall conform to all pertinent Board of Health and Board of Fire Engineers Regulations, and to the Regulations of any other body that may have jurisdiction.

- I. Adequate access to and from all floors shall be provided, as required by the Building Inspector. To the extent feasible fire escapes or other outside stairways shall be located on the rear or side of the building and shall not be located on the section of the building that faces the street.
- J. Exterior lighting shall be so directed or shaded as to prevent direct illumination of off premises property. All external lighting except for demonstrated security needs shall be extinguished by ten (10) pm.
- K. The premises shall be inspected annually by the Building Inspector, with an inspection fee to be paid by the owner.

7.4 Home Based Business

7.4.1. The purposes of this section are to:

- A. Permit the residents of the Town of Peru a broad choice in the use of their homes as places of livelihood and the production or supplementing of personal and family income;
- B. Protect residential property values;
- C. Protect residential areas from any adverse impacts associated with home-based business;
- D. Ensure that the rights of neighbors and other townspeople are not compromised by intrusive, hazardous, or environmentally degrading business activities;
- E. Establish performance criteria and standards for home-based businesses that will provide fair and equitable administration and enforcement of this section.

7.4.2. Standards for All Home-based Businesses: The following standards shall be used as requirements for all Home-based Business.

- A. Residency Requirements: The principal residence of the owner/operator of every home-based business shall be the dwelling unit on the premises in which the business operates.
- B. Parking Standards: Off-street parking for any home-based business must be provided on the premises and should be located at the side or rear of the principal building. While adequate off-street parking must be provided for all regular employees, visitors, and clients, the property owner shall avoid providing excessive parking. Landscaping may be required to screen parking areas from the road and adjacent landowners. See the definition of screening materials below.
- C. Storage of Heavy Equipment and Commercial Vehicles: All heavy equipment, such as tractor trailers, semi-trailers, or construction equipment, must be either garaged or screened with plantings or fencing of at least the height of the equipment. See the definition of screening materials below.

- D. Screening Materials: Screening materials include natural vegetation, landscaping, fencing and earthen berms. All screening materials shall be in keeping with the rural and residential character of the Town of Peru.
- E. Signs: Refer to Section 7.5 for sign standards.
- F. Lighting Standards: Any outdoor lighting fixture newly installed or replaced shall be shielded so that it does not produce a strong, direct light beyond the property boundaries. All outdoor lighting must be placed in such a fashion as not to have an adverse effect on neighboring properties or passersby.
- G. Hours of Operation: In no case shall a home-based business be open to the public, including nonresident employees, clients, visitors, and deliveries, at times earlier than 7:00 a.m. and no later than 8:00 p.m.
- H. General Nuisances: Any activity that might result in excessive noise, electrical interference, smoke, dust, odors, heat, or glare beyond that which is common to the residential character of the town is prohibited. The Zoning Board of Appeals may require an applicant to provide tests demonstrating such conformance.
- I. Hazardous Materials: No highly toxic, explosive, flammable, combustible, corrosive, radioactive, biohazardous or similar hazardous materials shall be used, stored, or manufactured on the premises in amounts exceeding those which are typically found in normal residential use.
- J. Traffic: Traffic associated with a home-based business, such as deliveries or visits by clients, shall not place an unreasonable burden on the town, the roads, or the neighborhood of the home-based business because of safety concerns, excessive noise, or aesthetics. Traffic concerns will be reviewed as part of the permitting process for all home-based businesses.
- K. Employees: No more than four (4) employees, not residing on the premises, shall be permitted to work on the premises at one time for a home base business. Any home base business employing more than four (4) non residence employees shall require a special permit.
- L. Retail Sales: There shall be no sales of services or products which are not produced on the premises unless they are directly related to the product or services produced on the premises. A home-based business is permitted to hold occasional events, such as craft fairs or open houses, up to three times per year.

7.5 Sign Regulations

7.5.1 Permitted Regulations

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

- B. One sign, not exceeding eight (8) square feet in area for a Home Based Business.
- C. One sign for uses requiring a special Permit under Section 4 of this Bylaw or other non-residential uses not exceeding sixteen (16) square feet in area.
- D. Commonly used warning signs (i.e. Beware of the Dog, No Trespassing), each not to exceed two (2) square feet.
- E. Lettering on both sides shall be permitted.
- F. Any sign that has been abandoned or advertises any product or activity which is no longer sold or carried on must be removed within thirty (30) days by the owner of the premises after notice to that effect from the Zoning Board of Appeals.

7.5.2 Sign Restrictions

- A. Signs shall not have any moving or flashing parts or noisemaking devices. 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.
- B. No illuminated sign or lighting device shall be so placed or directed upon a public way or adjacent premises as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- C. Whether attached to a building or free standing, signs shall not be more than eight (8) feet from ground level to the top of sign.
- D. Free standing signs may be located not less than seventy five (75) feet from the centerline of a numbered road and sixty five (65) feet from the centerline 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 or smaller setback.
- E. 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.
- F. Temporary signs which do not comply with this Bylaw 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.
- G. Billboards Are Not Permitted.

7.6 Trailers and Mobile Homes

7.6.1 The Zoning Board of Appeals may grant a special permit pursuant to M.G.L. Chapter 40A, Section 9, and amendments thereto for a travel trailer or mobile home provided:

- A. Said permit shall not extend longer than one (1) year.
- B. The travel trailer or mobile home is to be used as temporary living quarters by the owner of the premises.
- C. The owner is in the process of constructing a dwelling as a separate structure on the lot. The ZBA may extend in writing said permit for a period not to exceed one (1) year provided the applicant can demonstrate that construction has commenced and has progressed as expeditiously as possible.
- D. The owner shall comply with all provisions of the State Environmental Code, Title 5 and with regulations of the Board of Health.
- E. Said travel trailer or mobile home is not injurious or in a state of disrepair.

Notwithstanding these provisions, nothing shall prevent a travel, camping or boat trailer, or self-contained motor home or mobile home from being parked on the owner's premises, provided that the wheels remain intact on the vehicle and mobility is maintained; and provided that said trailers, motor homes or mobile homes are not occupied as dwellings units or used commercially for any other purpose at any time.

However, nothing shall prevent an existing mobile home, currently being used for residential purposes from being replaced with another unit, provided said unit conforms with any and all Massachusetts Code and Regulations Standards pertaining to mobile homes and provided that residency has not been discontinued for a period of two years. If the footprint of the replacement mobile home has a footprint more than 25% larger than the existing mobile home, a Special permit shall be required.

7.7 Removal of Earth Materials

- A. No removal of earth materials, including the stripping loam or topsoil shall be permitted except when incidental to or required in connection with the following activities:
 - 1. The erection of a building or structure for which a permit has been properly issued.
 - 2. The construction or restoration of a road.
 - 3. Any use incidental to a permitted use.
 - 4. The grading or landscaping of premises, providing this grading is not lower than any adjoining street.
 - 5. Agricultural operations.

B. In no event shall any removal of earth materials, including the stripping of loam or topsoil, be permitted wherein said materials are removed from the parcel unless a special permit shall have first been obtained from the Board of Selectmen pursuant to M.G.L. Chapter 40A, Section 4 and subject to the following safeguards:

1. The use will not be injurious, offensive or obnoxious to the neighborhood.
2. The area of excavation will be screened so as to reduce dust and noise.
3. At the termination of operations, the area of excavation will be graded and landscaped according to plans submitted with the special permit.
4. Such other requirements as the Board might reasonably impose.
5. The Board may require a bond with sufficient surety to guarantee the performance of these conditions.

7.8 Radioactive Waste Disposal

No land within any use district in the Town of Peru may be used for the collection, treatment, storage, burial, incineration, or disposal of radioactive waste, including but not limited to wastes classified as low level radioactive waste.

7.9 Fences

- 7.9.1 A property owner may erect directly on the boundary lines(s) a solid type fence (including, but not limited to stockade, board and batten, brick, masonry) in excess of 48" (4') in height.

Application for a permit to erect any fence shall be made to the Building Inspector. The property owner shall submit a plan showing abutting properties, all easements on the property, and the location of the proposed fence, and information regarding the materials to be used to construct the fence, the proposed design and color, and such plans, drawings and photographs as the Building Inspector may require.

This regulation does not apply to fences other than solid types or to any type of fence less than 48" (4') in height (including, but not limited to split rail, picket, farm, wire, chain link, metal mesh, brick, masonry). No building permit is required for any fences less than 48" (4') in height.

Under no circumstances may a fence of any height be constructed on an abutter's property without written consent of the owner(s).

Construction of any fence in excess of 72" (6') in height must be approved by the Zoning Board of Appeals by Special Permit. Maximum height of any type of fence to be allowed is 8'.

Repair and replacement of fences in existence prior to the date of this Bylaw is allowed providing the fence is placed in the same location and constructed of the same type material.

Privacy fences not to exceed 8' (including but not limited to fences around decks or patios and storage areas) may be allowed providing minimum set backs from all boundary lines and roads are the same as set forth in Section 6 of the Bylaws of the Town of Peru and all other requirements are met.

7.10 Off-Street Parking Requirements

7.10.1 After the effective date of this Bylaw, off-street parking spaces shall be provided for every new structure, the enlargement of an existing structure, the development of a new use or any change in an existing use, in accordance with the following schedule:

- A. Dwellings with off street parking accommodated on the premises. Two parking spaces shall be provided per dwelling unit.
- B. Bed and Breakfast - one (1) parking space for each sleeping room.
- C. Business, adequate space for employees, customers, service and supply areas. One space per 150 square feet of commercial or industrial floor space.
- D. Multiple-Family Dwelling - Two (2) parking spaces for each dwelling unit and adequate space for service and supply vehicles.

7.10.2 The minimum number of required off-street parking spaces may be reduced by special permit from the Zoning Board of Appeals upon determination that special circumstances render a lesser provision adequate for the parking needs in any particular case.

7.10.3 An area of ten (10) feet by twenty (20) square feet, exclusive of drives or aisles, shall be considered as one (1) off-street parking space.

7.10.4 All required parking spaces shall be provided with unobstructed access to and from a street and shall be properly maintained in such a manner as to permit them to be used at all times.

7.11 Mini-Storage Facilities

7.11.1 Mini-Storage Facilities are subject to the following conditions:

- A. Self-Service Storage Facilities shall be limited to one-storey structures.
- B. Self-Service Storage Facilities shall be limited to personal property use only.
- C. Individual lease space shall not exceed two hundred and fifty (250) square feet.

- D. No activity other than rental of storage units and pick up and deposit of personal property shall be allowed on the lot except for accessory or incidental uses required in administration and security of the site.
- E. No outside storage shall be allowed.
- F. The storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals shall be prohibited.
- G. The use of the unit for uses other than dead storage shall be prohibited.
- H. Servicing or repair of motor vehicles, boats, triflers, lawnmowers, or any similar equipment shall be prohibited

SECTION 8 ADMINISTRATION

8.1 Enforcement

- 8.1.1 The Zoning Enforcement Officer shall be the Building Inspector as appointed by the Board of Selectmen to serve at the pleasure of the Board of Selectman pursuant to such qualifications as may be established by the Board of Selectman. The Building Inspector shall be responsible for the administration and enforcement of this Zoning Bylaw. Removal of the Building Inspector requires a public hearing and just cause.
- 8.1.2 Construction or operation under a building permit or special permit shall conform to any subsequent amendment of this Bylaw 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 of construction is commenced within a period of not more than six (6) months after the issuance of the permit, and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.
- 8.1.3 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.
- 8.1.4 The Building Inspector shall issue no permit unless applications for permits required under this Bylaw for Buildings or Structures of any kind for which plans and specifications and intended uses are not in all ways in conformity with this Bylaw.
- 8.1.5 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 building Inspector 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 Bylaw and no use shall be made except the use authorized by such occupancy permit

- 8.1.6 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 Bylaw. When ever any building permit is refused the reason therefore shall be clearly stated in writing.
- 8.1.7 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 three (3) copies of a plot plan showing the site and size and shape of the lot, the names of the landowners of record, and the location of existing streets and buildings 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 plot plans, shall be required for all Buildings and Structures. The Inspector of Buildings shall send one copy of the plan to the Board of Assessor's.
- 8.1.8 A building permit shall become void unless construction, alteration or relocation is commenced within one (1) year of date of issue, and completed within two (2) years of the date of issue, unless such time shall have been extended by the Building Inspector in writing. A condition of such extension of the two (2) year period may be by payment of an additional fee where the Building Inspector is of the opinion that additional on-site inspections will be required.
- 8.1.9 The Building Inspector 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 Bylaws, and that the Building Inspector 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 Bylaws 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 Building Inspector has made a final inspection to determine if the completed construction, alteration. or changes in use conform to the permit and is not in violation of the said Bylaws.
- 8.1.10 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.
- 8.1.11 A permanent record of applications herein 'referred to, and the action taken thereon shall be kept on file in the Town Clerk.
- 8.1.12 Anyone violating any of the provisions of this Bylaw may be fined not more than \$100.00 for each offense. Each day that such violation continues shall constitute a separate offense.
- 8.1.13 Any person, officer, official, or board aggrieved by reason of his inability to obtain a permit, or by any order or decision of the Building Inspector 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.

8.2 Board of Appeals

8.2.1 Membership and Authority

There shall be a Zoning Board of Appeals consisting of five (5) members and two (2) associate members to be appointed by the Board of Selectmen as provided in M.G.L. Chapter 40A, Section 12. The Board shall act within its statutory powers as provided in M.G.L. Chapter 40A, Section 14 and on matters within its jurisdiction under this Bylaw in a manner prescribed in M.G.L. Chapter 40A, Section 15.

8.2.2 Statutory Powers of the Zoning Board of Appeals

The Board of Appeals shall have the following powers:

- A. To hear and decide appeals in accordance with the provisions of Section 8.3 herein.
- B. To hear and decide applications for special permits upon which the Board of Appeals is specifically authorized to act under this chapter in accordance with the applicable provisions of the section of this chapter related to special permits.
- C. To hear and decide petitions for variance as set forth in the section of this chapter related to variances.

8.2.3. Technical Review Fees: The Board of Appeals may adopt reasonable administrative fees and technical review fees for petitions for variances, administrative appeals, and applications for comprehensive permits. The Board of Appeals may engage, at the applicant's expense, professionals to assist the Board of Appeals in the technical review of the project. Such technical reviewers may include, but are not limited to, attorneys, civil engineers, landscape architects, architects, and wetland scientists.

8.3 Appeals

8.3.1 The Board is authorized to hear and decide on an appeal, as provided in Section 8, Chapter 40A (M.G.L.), taken by any person aggrieved by reason of his or her inability to obtain a permit or enforcement action from any administrative officer under the provisions of Chapter 40A (M.G.L.), by the Berkshire Regional Planning Commission, or by any person including an officer or board of the Town of Peru, or of an abutting town, aggrieved by an order or decision of the Inspector of Building, or other administrative official, in violation of any provision of Chapter 40A (M.G.L.) or of this Bylaw. Any such appeal must be taken within thirty (30) days from the date of the order or decision which is being appealed, by filing a notice of appeal with the Town Clerk, as provided in Section 15, Chapter 40A (M.G.L.).

- 8.3.2 The decision of the Board of Appeals shall be made within one-hundred (100) days after the date of the filing on an appeal, application or petition with the Town Clerk except in regard to special permits as provided in Section 8.5 herein. Failure by the Board to act within said one-hundred (100) days shall be deemed to be the grant of the relief, application or petition sought.

8.4 Variances

- 8.4.1. The Board may authorize upon appeal or upon petition with respect to a particular land or structure a variance from the terms of this Bylaw where the Board specifically finds, that owing to circumstances relating to the soil conditions, shape or topography of such land or structure, but not affecting generally the zoning district in which it is located, literal enforcement of the provisions of this Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this Bylaw. A variance is permission to depart from the literal requirement of the Peru zoning Bylaw with respect to setback, side yard, frontage and lot size, but not involving use or activity.
- 8.4.2. The Board of Appeals shall hold a public hearing to consider every application requesting a variance and shall cause a notice thereof to be published in the local newspaper and by posting a notice on the Bulletin Board in the Town Office Building not less than the number of days before the day of such hearings as specified in M.G.L. Chapter 40A, Section 10. A copy of the notice shall also be sent by certified mail to the petitioner, abutters, owners of land directly on any public or private street or way, abutters to the abutters within three hundred (300) feet of the property line of the petitioner as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town, the planning, board of the town, the planning board of every abutting city or town, and any other person or persons who in the opinion of the board may be interested in such application.
- 8.4.3. A public hearing shall be held within the required number of days after the application for a variance has been filed with the Board of Appeals, as specified in M.G.L. Chapter 40A, Section 10, a copy of which shall forthwith be given to the Town Clerk by the applicant, The ZBA will take final action on the application for a variance within the number of days following the Public hearing, as specified in M.G.L. Chapter 40A, Section 10. Failure to do so shall constitute approval. A unanimous vote of a three-member board and a vote of at least four members of a five-member board is required.
- 8.4.4. After giving public notice and holding a public hearing, the Board of Appeals may grant variance. The following findings must be made by the Board of Appeals before a variance can be issued:
- A. The variance must be with respect to a particular parcel of land or to an existing building on the land.

- B. There must be circumstances relating, to the soil conditions, shape or topography especially affecting such land or structure, but not affecting generally the zoning district in which it is located.
 - C. Literal enforcement of the Bylaw would involve substantial hardship, financial or otherwise, to the appellant.
 - D. Desirable relief may be granted if there will not be substantial detriment to the public good, or nullification or substantial derogation from the intent and purpose of this Bylaw.
- 8.4.5. The Board of Appeals may impose conditions, safeguards and limitations on both time and of use including the continued existence of any particular structures by excluding any condition, safeguard or limitation based upon the continued ownership of the land or structures to which the variance by the applicant petitioner or owner,
- 8.4.6 Rights granted by the Board of Appeals and not exercised within one (1) year shall lapse and may be re-established after notice and a new hearing.

8.5 Special Permit

Any board designated as Special Permit Granting Authority in this Bylaw may hear and decide applications for special permits in accordance with the provisions of M.G.L. Chapter 40A, Section 9.

8.5.1 Required Hearing and Notice

Special permits may only be issued following public hearings held within sixty-five (65) days after filing of an application with the Special Permit Granting Authority. Notice of public hearing shall be given by publication in a newspaper of general circulation in the town once in each of two successive weeks, the first publication to be not less than fourteen (14) days before the day of the hearing and by posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen (14) days before the day of such hearing, and by mailing it to "Parties in Interest" as provided in Section 11, Chapter 40A (G.L.) which include the petitioner, abutters, owners of land directly opposite on any public or private street or way and owners of land within three hundred feet of the property line, all as they appear on the most recent applicable tax list, and the Planning Board of every abutting municipality.

8.5.2 Review by Other Boards and Agencies

The Special Permit Granting Authority shall within ten (10) days after receipt of an application for a special permit transmit a copy thereof for review to the Board of Health, the Planning Board, the Board of Selectmen, the Conservation Commission and any other municipal board or agency at the discretion of the Special Permit Granting Authority. Any board or agency to which such applications are referred for review shall make such recommendations as they deem appropriate in writing, provided however, the failure to make recommendations within thirty-five (35) days of receipt by such board or agency of the application for review shall be deemed lack of opposition thereto.

8.5.3 Findings Required

Before granting a special permit for any use requiring such permit under the provisions of this Bylaw, the Special Permit Granting Authority shall find that the proposed use:

- A. is in compliance with all provisions and requirements of this Bylaw, and in harmony with its general intent and purpose;
- B. is consistent with the public convenience or welfare at the proposed location;
- C. will not be detrimental to adjacent uses or to the established or future character of the neighborhood;
- D. will not create undue traffic congestion, or duly impair pedestrian safety;
- E. will not overload any public water, drainage or sewer system or any other municipal facility to such an extent that the proposed use or any existing use in the immediate area or in any other area of the town will be unduly subjected to the hazards affecting public health, safety or general welfare; and,
- F. is aesthetically consistent with the character of the Town and the surrounding properties.

8.5.4 Conditions, Safeguards and Limitations

Special permits may be issued subject to such conditions, safeguards or limitations as the Special Permit Granting Authority may impose for the protection of neighboring uses or otherwise serving the purpose of this Bylaw.

8.5.5 Decisions by Special Permit Granting Authority

Special Permit Granting Authority shall act within ninety (90) days following the date of public hearing. Failure to take final action upon an application for special permit within said ninety (90) days shall be deemed to be grant of the permit applied for.

8.5.6 Expiration of Special Permit

A special permit shall lapse in one (1) year if a substantial use or construction has not begun under the permit by such day except for a good cause.

8.6 Site Plan Review

- 8.6.1 Purpose and Intent. To ensure that the design and layout of new development will not be detrimental to surrounding land uses. The intent of the site plan review process is to regulate rather than prohibit uses through reasonable conditions which may be recommended by the Peru Planning Board (Site Plan Review Committee, SPRC see

Section 8.6.6) concerning location of buildings, signs, open space, landscaping, parking areas, access and egress, drainage, sewage, water supply and fire safety.

- 8.6.2 Applicability. A site plan review is required for all new business construction and any commercial additions or reconstructions exceeding 1000 sq. ft. Further, public buildings, institutional uses, and uses requiring a special permit shall also be subject to site plan review

8.6.2.1 Relationship to Special Permit Process. In the instances where a project requires a special permit and a site plan review the SPRC and the appropriate Special Permit Granting authority shall hold joint public meetings to expedite the review process and review both aspects of the proposal. Further, within the prescribed review periods, the SPRC and the appropriate Special Permit Granting Authority shall take the separate actions relative to the proposal as required by the zoning Bylaw.

- 8.6.3 Relationship to the Building Permit. The building inspector shall not issue a building permit unless and until a site plan review has been completed, and a letter with site plan conditions, if any, has been forwarded to the building inspector by the SPRC.

- 8.6.4 Site Plan Submission Criteria. The applicant shall submit 7 copies of a site plan proposal drawn at a scale not to exceed one inch equals 40 feet (1"=40'). The site plan review materials shall be submitted to the Planning Board, said Board shall forward all materials to the Site Plan Review Committee. A registered surveyor or engineer must stamp the submitted site plan. Specifically, the water, sewer and drainage portion of the site plan must be stamped by a registered engineer. At a minimum, the submittal materials shall include the following items as applicable:

- A. a cover letter generally describing the nature and location of the project;
- B. parcel lot lines for the proposed project and surrounding parcels including any easements;
- C. height and use of all buildings abutting the proposed project, including a building or buildings directly across from the proposed project but separated by a public or private right of way;
- D. proposed parking plan including location of access and egress;
- E. estimated average daily traffic and peak hour traffic to be generated by the proposal. Further, a traffic impact plan indicating impacts, if any, to surrounding intersections servicing the project site if the proposed project generates more than 250 vehicular trips per day.
- F. location of existing and proposed buildings and public/private ways on the project site;

- G. rendering of all facades of proposed buildings;
- H. foundation lines of the proposed buildings, gross floor area, and building height;
- I. location of solid waste containers;
- J. existing and proposed topography, including location of wetlands, streams, and waterbodies, and trees of over 10" caliper, if any;
- K. areas subject to a 100-year flood, if any;
- L. provisions for drainage and sewage;
- M. proposed landscaping, including all screening and buffering of adjacent residential areas;
- N. location of all required open space;
- O. location of all historic structures, walls or similar features; including an indication of their protective status, if any;
- P. location of town water resource areas, if within 1000 feet of the development area;
- Q. fencing, walls, and existing and proposed lighting;
- R. location, material, and size of all signs.

8.6.5 Site Plan Review Criteria

The SPRC shall at a minimum review all site plans for the following:

- A. Consistency with the design and character of the surrounding area.
- B. Consistency with sign, design guideline, landscaping and buffering requirements.
- C. Protection and enhancement of important existing site features, natural and man-made.
- D. Protection of adjoining premises against detrimental uses by provision of surface water drainage, sound and sight barriers, preservation of light and air, and preservation of views when possible.
- E. Convenience and safety of vehicular and pedestrian movement within the site, the location of driveway openings in relation to traffic and/or adjacent streets.

- F. Adequacy and arrangement of parking and loading spaces, and the ability of the site plan to accommodate parking in areas other than the front of the building.

8.6.6 Site Plan Review Committee: Composition

The Site Plan Review Committee (SPRC) shall be comprised of 7 members. Members may include all members of the Peru Planning Board, the Building Inspector, and a Conservation Commission designee. However, only SPRC members may be party to any vote or binding agreement. A majority vote of the full SPRC shall be required to approve all site plan review conditions.

The SPRC may request assistance of architects and engineers and other professionals during its deliberations, whose fees shall be paid by the applicant.

8.6.7 Review Schedule

The SPRC shall hold a public project review meeting with the applicant no later than 35 days after submitting the proposed site plan to the Planning Board. The SPRC shall hold as many meetings as necessary within a 90-day review period to review the proposal. However, within 90 days of the submission of the plan to Planning Board the SPRC shall provide recommendations in writing to the Building Inspector. If no action is taken within 90 days, the application shall be deemed approved as submitted.

8.6.8 Appeals

Applicants for a site plan review may appeal any and all conditions approved by the SPRC to the Peru Board of Appeals.

8.7 Amendment

This Bylaw may be amended from time to time in an annual or special town meeting in accordance with M.G.L. Chapter 40A, Section 5.

8.8 Validity

- 8.8.1 This Bylaw, or any amendment thereto, shall take effect on the date on which such adoption or amendment is voted by the town meeting.
- 8.8.2 This Bylaw repeals and replaces the Protective Bylaw adopted September 12, 1972 and subsequent amendments made thereto.
- 8.8.3 The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision thereof.

8.9 Severability Clause

In accordance with Sec. 8.8 of the Bylaw, the invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision hereof.

SECTION 9 WIRELESS COMMUNICATING FACILITIES

9.1 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.

9.2 Definitions

ALTERNATIVE TOWER STRUCTURE shall mean 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.

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.

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

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".

DISTANCE shall be measured on a horizontal plane

FAA shall mean the Federal Aviation Administration

FCC shall mean the Federal Communications Commission

HEIGHT shall be the distance measured from ground level to the highest point on the structure

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

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

NON-RESIDENTIAL STRUCTURE shall mean such structure as, but not limited to, buildings, grain silos and water towers, but does not include houses or apartments.

ROOF STRUCTURE shall mean a wireless communication structure mounted on a roof of a building or the top of a water tower.

WIRELESS COMMUNICATION BUILDING shall mean 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.

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

WIRELESS COMMUNICATION FACILITY shall be used as a general term to include wireless communication building, wireless communication device and wireless communication structure.

WIRELESS COMMUNICATION STRUCTURE shall mean 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.

9.3 Exemptions from this Bylaw

9.3.1 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.

9.4 Application Process

- A. Application for a special permit for siting wireless communication facilities shall be filed in accordance with Town of Peru By-Laws Sections 8.5 and 8.6.
- 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 Z.B.A. or Governing Authority may require such technical, 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.

9.5 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.

9.6 Siting and Height Requirements

- A. Setbacks
 - 1. 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.
 - 2. The minimum distance from any guy wire, anchor or brace to any property line or road right of way shall be equal to the length of the guy wire.
 - 3. The setbacks for the wireless communication building shall comply with the setback requirements for the zoning district.
 - 4. 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:
 - 1. No existing wireless communication structures or non-residential structures are located within the geographic area required to meet the applicant's engineering requirements.
 - 2. Existing wireless communication structures or non-residential structures are not of sufficient height to meet the applicant's requirements.
 - 3. 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.
 - 4. 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.
- E. 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.

9.7 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:
 - 2. Massachusetts or federally regulated wetland;
 - 3. A Massachusetts Certified Vernal pool;
 - 4. The habitat of any State listed Rare or Endangered Wildlife or Rare Plant Species;
 - 5. Within 100' horizontally from any Massachusetts regulated wetland;
 - 6. Within 200' horizontally of the Outer Riparian Zone measured horizontally from any river or perennial stream;
 - 7. 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,
 - 8. Within 500' horizontally from any archaeological site.

9.8 Items for Submittal

- A. TO SITE A NEW WIRELESS COMMUNICATION STRUCTURE, the Applicant shall submit:
 - 1. 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 sheets as necessary to show the following:

- (a) North arrow, date, scale, seal(s) of the licensed professional(s) who prepared plans and space for reviewing engineer's seal.
- (b) 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.
- (c) Existing (from a topographical survey completed within two (2) years of application submittal date by a professional surveyor licensed to practice in Massachusetts) and proposed contour lines at maximum of two-foot intervals and spot elevations at base of all the proposed and existing structures.
- (d) Vegetation to be removed or altered
- (e) Plans for drainage or surface water and plans to control erosion and sedimentation both during construction and as a permanent measure.
- (f) Delineation of wetlands, if any.
- (g) Location of wireless communication structure, including supports or guy wires, if any.
- (h) Plans for anchoring and supporting the structure, including specifications of hardware and all other building material.
- (i) Plans for accessory buildings.
- (j) Layout and details of surfacing for access road and parking.
- (k) Amenities such as lighting, fencing and landscaping.
- (l) plans for a well or other water source, if any.
- (m) plans for septic system, in any.
- (n) plans for maintenance of roads necessary to access and maintain the property.
- (o) 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.
- (p) A draft of the contract between the structure/building owner (if applicable) and the applicant.

- (q) 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.
- 2. 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.
- 3. A locus map at a scale of 1"=1000' (or whatever is necessary to show where in town the proposed tower is sited) which shall show streets and landscape features.
- 4. A description of the soil and surficial geology at the proposed site.
- 5. A narrative report written by the carrier and licensed professional which shall:
 - (a) Describe the justification of proposed site.
 - (b) Describe the structure and the technical, economic and other reasons for the facility design.
 - (c) Describe the capacity of the structure, including the number and type of additional facilities it can accommodate.
 - (d) Describe actions to be taken if electromagnetic radiation from the facility exceeds levels as designated by the Federal Communications Commission.
 - (e) 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.
 - (f) Describe leasing agreements should another carrier desire to co-locate.
 - (g) Describe special design features to minimize the visual impact of the proposed wireless communication facility.
- 6. Proof of approval of all other necessary permits needed for construction and operation.
- 7. 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.

- B. 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:
1. 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' on as many sheets as necessary which shows the following:
 - (a) north arrow, date, scale, the seal(s) of the licensed professionals who prepared the plans and a space for the reviewing licensed engineer's seal.
 - (b) plans for supporting and attaching the device including specifications of hardware and all other building material.
 - (c) building plans for accessory buildings, if any.
 - (d) layout and details of surfacing for access road and parking, if it is to be altered from existing condition.
 2. A map showing the areas covered by proposed device(s) of different signal strengths and the interference with adjacent service areas.
 3. A locus map at a scale 1"=1000' or larger if necessary, to show where in town the proposed device is sited, which shall show streets, buildings, and landscape features.
 4. A narrative report written by the carrier and licensed professional engineer which shall:
 - (a) include a copy of the contract between the structure/building owner (whichever appropriate) and the Applicant
 - (b) 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.
 - (c) describe actions to be taken if electromagnetic radiation from the facility should exceed levels designated by the FCC.
 - (d) describe the projected future needs of the carrier, and how the proposed facility fits with future projections.
 5. Proof of approval of all other necessary permits needed for construction and operation.
 6. 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.

9.9 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:
 - 1. That the applicant has demonstrated to the satisfaction of the SPGA that the requirements of the by-law have been met.
 - 2. That the size and height of the structure is the minimum necessary.
 - 3. That the proposed wireless communication facilities will not adversely impact historic structures or scenic views.
 - 4. 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.
 - 5. 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.
 - 6. 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.
 - 7. 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.

9.10 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:
 - 1. Annual certification demonstrating structural integrity and continuing with current standards of the FCC, FAA and the American National Standards Institute shall be files with the Building Inspector by the special permit holder.

2. 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.
3. Failure to comply with any regulations shall be grounds for removal of non-complying structures, buildings, devices at the owner's expense.
4. 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

1. 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.
2. If the facility is not removed within 180 days, the town will remove said facility at the owner's expense.
3. 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.

9.11 Fee Structure

- A. 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.

Section 10 ENERGY CONVERSION SYSTEMS

10.1 Introduction

The purpose of this by-law is to outline the special permitting process to site an 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 energy conversion systems in an orderly way.

10.2 Definitions

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

ENERGY CONVERSION SYSTEMS, GENERATING FACILITIES OR WINDMILLS (hereinafter 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.

10.3 Application Process

- A. Application for a special permit for an energy conversion system shall be filed in accordance with Town of Peru By-Laws Sections 8.5 and 8.6.
- 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 or Governing Authority may require such technical, 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.

10.4 Siting and Height Requirements

- A. The height of the facility shall be less than Three Hundred Feet (300') and have a blade clearance of Twenty Feet (20') from the ground.
- B. The Special Permit Granting Authority 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 Special Permit Granting Authority 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.

10.5 Additional Design Requirements

- A. Operational noise, as measured by the latest standards of the American Standards National Institute, shall not exceed 60 decibels for more than 15 minutes in any one 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 wireless communication devices 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 Aviation Administration (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.

10.6 Items for Submittal

- 10.6.1 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 date of the public hearing.

- A. TO SITE AN ENERGY CONVERSION SYSTEMS OR GENERATING FACILITIES, OR WINDMILLS, the Applicant shall submit:
 - 1. 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:
 - a. north arrow, date, scale, seal(s) of the licensed professional(s) who prepared plans and space for reviewing licensed engineer's seal.
 - b. Name and address of landowner and name and address of abutters.
 - c. property lines and location of permanent structures or buildings, within 600-foot radius of proposed facility or generating facilities, or windmills structure.

- d. Existing (from a topographical survey completed within 2 years of application 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.
 - e. vegetation to be removed or altered.
 - f. plans for drainage of surface water and plans to control erosion and sedimentation both during construction and as a permanent measure.
 - g. delineation of wetland resource areas, if any.
 - h. location of facility structure, including supports if any.
 - i. plans for anchoring and supporting the structure, including specifications of hardware and all other building material.
 - j. plans for accessory buildings.
 - k. layout and details of surfacing for access road and parking.
 - l. amenities such as lighting, fencing, and landscaping.
 - m. 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.
 - n. plans for a well or other water source, if any.
 - o. plans for septic system, if any.
 - p. plans for maintenance of roads necessary to access and maintain the property.
 - q. Location of rare species or communities.
2. 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.
 3. A description of the soil and surficial geology at the proposed site.
 4. A narrative report written by the carrier and licensed professional engineer which shall:
 - a. Describe the justification of proposed site.

- b. Describe the structure and the technical, economic, and other reasons for the facility design and location.
 - c. Describe the capacity of the structure, including the number and type of additional facilities it can accommodate.
 - d. Describe the projected future needs of the operator, and how the proposed facilities fit with future projections to serve the Town and adjacent towns.
 - e. Describe special design features to minimize the visual impact of the proposed facility.
 - f. Describe how project will comply with Massachusetts Stormwater Policies.
5. 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.
 6. Written authorization or copy of contract from property owner of the proposed tower site.
 7. 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.
 8. The project proponent shall provide projected post-construction simulated views of the facility from up to four view lines as requested with locations as determined by the ZBA, in a one to three mile radius of the project site; such information shall be included with the application. Simulated post-construction views shall be displayed at the public hearings held for the project.

10.7 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 Measurements, and any other agency of the federal government with the authority to regulate the facility.
1. 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.
 - a. the facility shall be inspected by a licensed structural engineer who is regularly involved in the maintenance, inspection and/or erection of communication towers, demonstrating structural integrity and continuing compliance with current standards.
 - b. 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.
 2. 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.
 3. 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
1. 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.
 2. If the facility is not removed within 90 days, the Town will remove said facility at the owner's expense.
 3. 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.

10.8 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.

Appendix A.2
Proposed Zoning Amendment
Summary, Outline & Press
Release

Peru Zoning Bylaw

Summary of Amendments

**Planning Board Workshop
June 7, 2004**

Section 1 - Title, Authority & Purpose

This introduction section combines three sections into one. Includes an expanded list of purpose statements

Section 2 – Definitions

The following is a list of new and revised definitions listed in Section 2 (formerly Section 3). These definitions are intended to better define uses allowed and uses not allowed (see amended Sections 4 – Use Regulations). “BR” – By Right; “SP” – Special Permit; “NA” – Not Allowed

New Definitions

- Accessory Apartments (*BR*)
- Bed and Breakfast establishment (*SP*)
- Billboard (*NA*)
- Building Height
- Child Care Facilities (*BR*)
- Dwelling
- Dwelling, One Family Dwelling, Multifamily (*SP*)
- Energy Conversion Systems (*SP*)
- Exterior Alteration
- Farm (*BR*)
- Fence (*BR*)
- Gasoline Station or Automotive Repair Shop (*SP*)
- Kennel (*SP*)
- Landscaping
- Lot coverage
- Mini-Storage Facilities (*SP*)
- Non-Conforming Use
- Places of Amusement/Assembly (*SP*)
- Principal Building
- Public Utility (*SP*)
- Restaurant (*SP*)
- Site Plan
- Special Permit Granting Authority (*ZBA*)

Revised Definitions

- Accessory Buildings (*BR*)
- Accessory Use (*BR*)
- Building
- Dwelling, Two Family (*BR*)
- Dwelling Unit
- Family
- Home-Based Business (*BR*)
- Hotel, Lodging House or Inn (*SP*)
- Lot
- Lot Frontage
- Mobile Home (*SP*)
- Sign
- Street
- Structure
- Travel Trailer (*SP*)

Section 3 – Zoning Districts (formerly Section 2)

The single residential agricultural zoning district shall remain.

Section 4 – Use Regulations

Uses Allowed By Right (Formerly Section 5)

- One and Two Family
- Conversion of One Family to Two Family (New Use)
- Accessory Apartment (New Use)
- Child Care Facilities (New Use)
- Agriculture
- Religious
- Municipal
- Accessory uses and structures (Expanded)
 - Home Based Business*
 - Signs*
- Bed and Breakfast Establishment* (New Use)

Uses Allowed by Special Permit (Formerly Section 6)

- Small Business (Revised)
- Gravel, stone or loan storage or removal
- Kennel, Vet or Stable
- Private Chartered Educational Institutions
- Commercial Saw Mill, Pallet Shop and Construction Contractor
- Nursing Home or Convalescent Home
- Bowling Alley, Ski Tow, Billard Room, etc.
- Airfield, Airport, Landing Strip and Hangers
- A Dam
- Retail Business or Consumer Service Establishment, 2,000 square feet max (*New Use*)
- Parking Standards*
- Public Utilities*
- Campground or Recreational Vehicle Park
- Hotel, Lodging House or Inn
- Accessory Use, Non-Resident (*New Use*)
- Multiple-Family Dwellings (*New Use*)
- Energy Conversion Systems or Generating Facilities* (*New Use*)
- Mini-Storage Facilities* (*New Use*)
- Mobile Homes or Travel Trailers* (*New Use*)
- Any other use determined by the said Board to be similar, etc (*Removed*)

Prohibited Uses (Formerly Section 7)

- Accumulation, harboring or dismantling of any motorized vehicle, metals, appliances or parts, etc. (*New Use*)
- Storage or treatment of ash, etc.
- Garbage and refuse incinerators, or the storage accumulation or dumping, etc (*Revised*)
- Collection, treatment, storage, burial, incineration or disposal of chemical and/or radioactive waster, etc
- Shopping mall, office park or mini-mall. (*New Use*)
- Amusement park, go-cart track, commercial motorcross track or race track. (*New Use*)

*Subject to Special Provisions under Section 7.

Section 6 – Intensity Regulations (Formerly Section 8)

- Minimum lot area shall be 2 acres
- Minimum frontage shall be 200 feet (*revised from 150 feet*)
- Set-back shall be 65 feet from public or private ways
- Set-back shall be 100 feet from numbered road (*revised from 75 feet*)
- Side and rear set-back shall be 30 feet (*revised from 20 feet*)
- Maximum lot coverage shall be 20% (*new requirement*)
- Height shall not exceed 35 feet
- Lot area shall not be less than four acres for two-family dwelling (*Removed*)
- Minimum frontage shall not be less than 150 feet for two-family dwelling (*Removed*)

Section 7 – Special Provisions (*New Section - combines uses listed below*)

This section provides standards for such things as setbacks, parking, screening, number of units, signs, lighting, hours of operation, traffic, etc.

- Nonconforming Structures, Uses and Lots
- Accessory Structure (*expanded*)
- Bed and Breakfast (*expanded*)
- Home Based Business (*expanded*)
- Sign Regulations (*revised*)
- Trailers and Mobile Homes (*classified as a temporary structure - 1 year minimum*)
- Removal of Earth Materials
- Radioactive Waste Disposal
- Fences
- Off Street Parking Requirements

Section 8 – Administration (Formerly Section 14)

This Section combines Sections 11, 12, 13, 14, 15 & 16. The language proposed here follows state zoning law requirements.

- Enforcement
- Board of Appeals
- Appeals
- Variances (*New Regulation – follows MGL requirements*)
- Special Permit
- Site Plan Review (*New Regulation*)
 - **Required for all new business construction and any commercial additions or reconstructions exceeding 1,000 square feet.**
- Amendment
- Validity
- Severability Clause

Section 9 - Wireless Communication Facilities

- Purpose and Goals
- Definitions
- Exemptions
- General Conditions
- Siting and Height Requirements (*not to exceed 150 feet*)
- Design Regulations
- Approval Process
- Requirements by All Applicants
- Additional Submittals
- Approval
- Conditions of Use
- Removal and Repair
- Fee Structure

Section 10 - Energy Conversion Systems

- Introduction
- Additional Requirements (*not to exceed 300 feet*)
- Conditions of Use
- Removal and Repair
- Fee Structure

The Peru Planning Board Proposes the Following Changes to the Peru Zoning By-law:

1. Delete the existing zoning Bylaw in its entirety, including the following main sections:

Section 1.	Purpose
Section 2.	Zoning Districts
Section 3.	Definitions
Section 4.	Use Regulations
Section 5.	Uses Permitted by Right
Section 6.	Uses Requiring Special Permit
Section 7.	Prohibited Uses
Section 8.	Intensity Regulations
Section 9.	Nonconforming Structures, Uses, and Lots
Section 10.	Sign Regulations
Section 11.	Zoning Board of Appeals
Section 12.	Special Permits
Section 13.	This Bylaw shall be enforced by the Inspector of Buildings
Section 14.	Administration
Section 15.	Occupancy Permits
Section 16.	Amendment and Validity

2. Substitute the new zoning Bylaw entitled “Town of Peru Zoning Bylaw”, as outlined below:

Section 1.	Title, Authority & Purpose
1.1	Title
1.2	Authority
1.3	Purpose
Section 2	Definitions
Section 3	Zoning Districts
Section 4	Use Regulations
4.1	Uses Permitted by Right
4.2	Uses Allowed by Special Permit
Section 5	Prohibited Uses
Section 6	Intensity Regulations

Section 7 Special Provisions

- 7.1 Nonconforming Structures, Uses and Lots
- 7.2 Accessory Structure
- 7.3 Bed and Breakfast
- 7.4 Home Based Business
- 7.5 Sign Regulations
- 7.6 Trailers and Mobile Homes
- 7.7 Removal of Earth Materials
- 7.8 Radioactive Waste Disposal
- 7.9 Fences
- 7.10 Off Street Parking Requirements

Section 8 Administration

- 8.1 Enforcement
- 8.2 Board of Appeals
- 8.3 Appeals
- 8.4 Variances
- 8.5 Special Permit
- 8.6 Site Plan Review
- 8.7 Amendment
- 8.8 Validity
- 8.9 Severability Clause

Section 9 Wireless Communication Facilities

- 9.1 Purpose and Goals
- 9.2 Definitions
- 9.3 Exemptions
- 9.4 General Conditions
- 9.5 Siting and Height Requirements
- 9.6 Design Regulations
- 9.7 Approval Process
- 9.8 Requirements by All Applicants
- 9.9 Additional Submittals
- 9.10 Approval
- 9.11 Conditions of Use
- 9.12 Removal and Repair
- 9.13 Fee Structure

Section 10 Energy Conversion Systems

- 10.1 Introduction
- 10.2 Additional Requirements
- 10.3 Conditions of Use
- 10.4 Removal and Repair
- 10.5 Fee Structure

The Planning Board will hold public meetings to discuss these changes on Monday, June 7th and 21st at the Peru Town Hall. Draft copies of the proposed amendments are available at Town Hall for review. A public hearing and town meeting vote are required to pass these proposed changes.

FOR IMMEDIATE RELEASE

Contact: Joellyn Warren
(413) 442-1521
jwarren@berkshireplanning.org

Town of Peru Seeks to Update Zoning Codes

The Town of Peru is working to develop a comprehensive revision of their Zoning Bylaws, originally adopted in 1978. For nearly three years the Peru Planning Board has been working to clarify zoning definitions, outline the application process and clarify and expand the by right and special permit use regulations. As part of the process, members of the Select Board and Conservation Commission as well as the Building Inspector have participated in the discussions. The intent of this initiative is to eliminate vague and confusing language, bring the Bylaws into compliance with Massachusetts General Law requirements and to protect the rural residential nature of the community.

The Planning Board will hold two working meetings on the proposed zoning amendments on Monday, June 7th and Monday, June 21st at the Town Hall at 7:00. Residential are encouraged to attend to discuss the proposal. Refreshments will be served. Copies of the proposed bylaw changes are available at the Town Hall for review. The Planning Board anticipates holding a public hearing this fall in anticipation of bringing the zoning amendments forward to a special town meeting for a vote.

The Berkshire Regional Planning Commission has provided technical assistance to the town in its rezoning efforts. Work is being funded through the state's Executive Order 418 Community Development Plan program which helps all participating communities resolve issues related to open space, housing, economic development and transportation.

Appendix A.3

Highlands Community Initiative Grant Program



GRANTS PROGRAM

The small-grants program of the Highland Communities Initiative (HCI) is making cash awards of up to \$5,000 to projects and programs designed to preserve the natural and cultural landscapes of the Highlands region through land conservation or community preservation. Since 2001, the small-grants program has been successful in encouraging a variety of innovative and effective projects.

To learn more about the types of projects HCI funds, view a list of [grantees and funded projects](#).

Guidelines for Applicants

Projects or programs must be from or benefit communities within the defined [Highlands Region](#).

Eligible projects include, but are not limited to:

- Costs associated with individual land protection projects (examples include: acquisition costs, appraisals, option payments, interest costs).
- Outreach and informational programs that promote land conservation and/or community preservation on a town-wide or regional basis. Includes:
 - a) A series of public lectures, forums, or seminars
 - b) Development and dissemination of informational literature and materials.
- Community-based planning projects that address resource conservation, land use and/or community preservation related issues. May include:
 - a) Municipal open space plans or master plans
 - b) Local zoning bylaw revisions
 - c) Town visioning processes.
- Feasibility studies, assessments, or planning projects that promote the conservation of regionally significant cultural, scenic, historical, ecological, or recreational resources.

- Projects that benefit local economies while protecting the natural and cultural landscape.

Note: HCI will not fund applications for 'bricks and mortar' type projects (e.g. building renovations, trail construction). Also, HCI will not fund requests for food associated with conferences and meetings.

Eligible recipients:

- Municipal boards (e.g. conservation commissions, planning boards, open space committees).
- Other governmental entities.
- Private, non-profit organizations (501[c]3 status required)

Maximum of \$5,000 per award. Unless otherwise noted, the grant must be spent within 12 months of the award.

Frequency:

Up to \$5,000 will be awarded each month.

Application procedures:

Applicants should submit a proposal no more than two pages in length (with black-and-white map attached, if appropriate), all on 8" x 11" paper, that includes the following information:

- Name and address of organization;
- Public or non-profit, tax-exempt status (attach 501[c]3 letter);
- Name, address, telephone, fax, and e-mail address of contact;
- Brief summary of proposal, including goals and objectives, implementation plan, project significance, and evaluation measures; proposal should address review criteria (below), where appropriate.
- Project budget.

Proposals should be submitted by mail, fax or e-mail to:

Jocelyn Forbush
HCI Program Director
The Trustees of Reservations
5 Strong Avenue, Suite 4, Northampton, MA 01060
Tel: 413/587-0716, Fax: 413/587-3947, e-mail: highlands@ttor.org

Applications must be received by 5:00 PM on the last business day of the month to be considered in that month's round.

Review Criteria:

- *Significance of project:*
Will the project make a significant contribution to land conservation or community preservation in the town or region?
- *Likelihood of success:*
What is the likelihood that the project will succeed and the grant will be a productive investment?
- *Leverage and match:*
Preference will be given to projects that demonstrate potential for high leverage, and that can provide at least a 1:2 cash match (\$1 from other sources for every \$2 in grant funds).
- *Ability and track record of applicant:*
What is the history of the applicant in conducting successful projects of this type?
- *Project impact:*
What is the value of the project in developing conservation/community preservation leadership, awareness, and public support?

Review Procedures:

Grant applications will be reviewed by a subcommittee of the HCI Steering Committee. Applicants will generally be notified within two weeks of the application deadline that their application has been rejected, approved, or that more information is needed.

Potential applicants are encouraged to discuss their proposals beforehand with Jocelyn Forbush at The Trustees of Reservations. Call 413/587-0716, or e-mail them to highlands@ttor.org.

Peru, Massachusetts



Open Space

Areas of Concern:

- Preserve a variety of open space in Town including open fields, wooded areas, lakes and ponds, held both publicly and privately.
- Preserve familiar vistas, roadsides, dirt roads, gateway areas and historic sites.
- Encourage agricultural enterprises.
- Develop and maintain opportunities for active and passive recreation and appreciation of nature and the environment for all.

Vision for Future Open Space and Resource Protection:

Protect and Preserve the rural residential character of the town.

Recommended Actions:

- Identification of priority lands for voluntary protection.
- Regulatory protections aimed at preservation of outstanding natural assets.

Transportation

Areas of Concern:

- Need to develop an Official Map

Vision for Future Transportation:

Protect and Preserve the rural residential character of the town.

Recommended Actions:

- Conduct formal review of the Community Development Plan Status of Roads map.
- Hold a public forum, or a series of working meetings in Town to address potential action on roads where the official status is at question.
- Present the agreed-upon map of town roads at Town Meeting for adoption as the Official Map for the Town.



Economic Development



Areas of Concern:

- Support the preservation and growth of local enterprises, including home occupations.
- Support the retention of existing establishments and encourage limited growth of small-scale service oriented enterprises.
- Develop stronger economic link between local attractions and local enterprises without compromising character.

Vision for Future Economic Development:

Protect and Preserve the rural residential character of the town.

Recommended Actions:

- Regulatory enhancements aimed at supporting the growth and expansion of local enterprises.
- Regulatory provisions aimed at encouraging new development of appropriately sized commercial establishments.

Housing



Areas of Concern:

- Maintain local housing stock that provides quality housing for residents of all ages and incomes.
- Ensure that future housing opportunities and developments are consistent with the Town's unique character and existing infrastructure while preserving open space, agriculture and natural resources.
- Provide an appropriate mix of quality homeownership and rental opportunities with consideration of housing for persons of low, moderate and middle-incomes.

Vision for Future Housing:

Protect and Preserve the rural residential character of the town.

Recommended Actions:

- Participation in ongoing local housing rehabilitation programs
- Pursue development of affordable homeownership and rental options
- Pursue the Reduction of Barriers to Housing Development
- Consider the adoption of the Community Preservation Act to finance future affordable homeownership options in Town
- Apply for EO418 Housing Certification for The Town

Community Development Plan

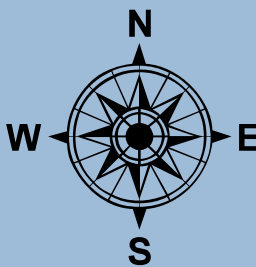
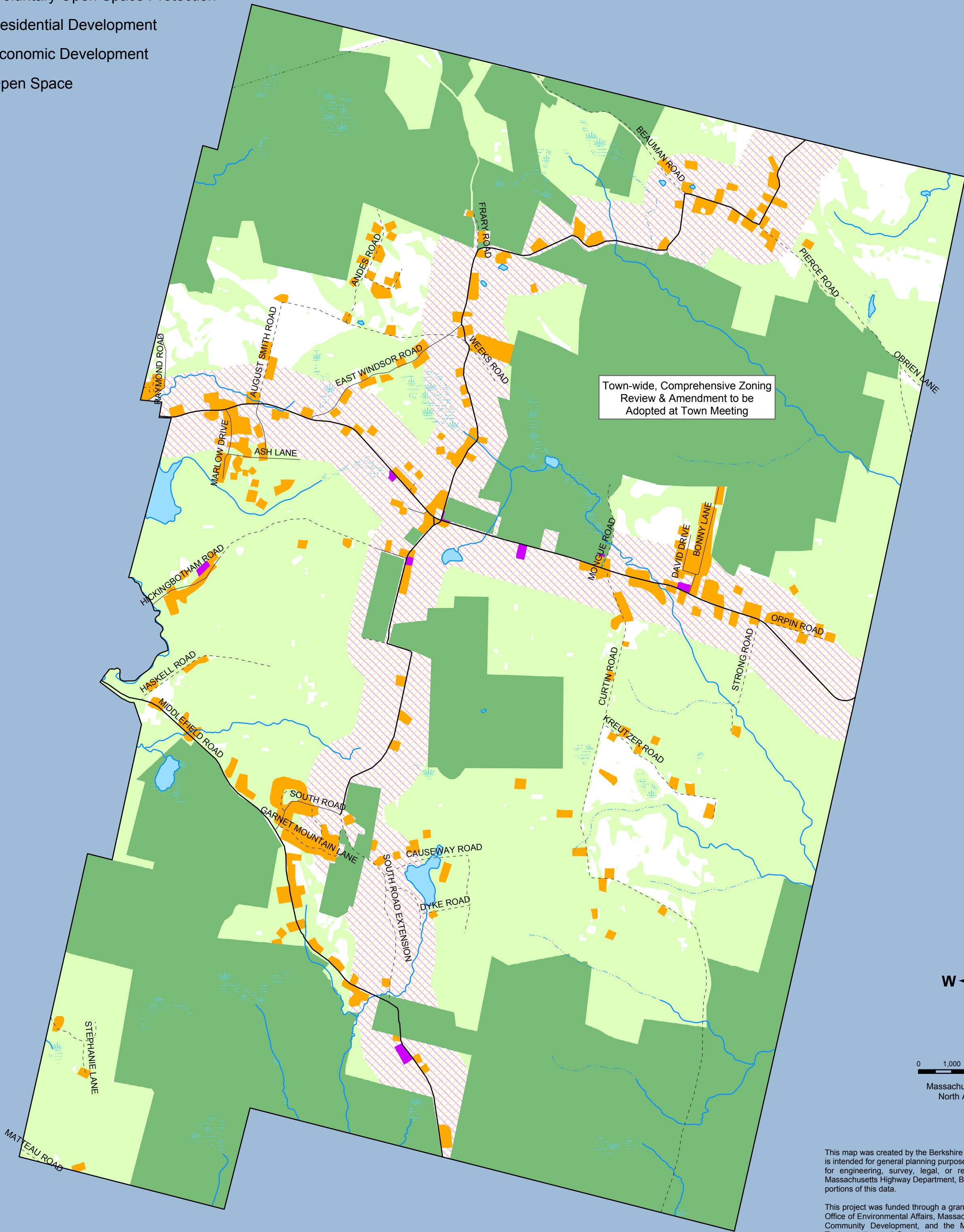
Land Use Suitability

Action Map

Town of Peru, Massachusetts



- Potential Low Density Residential Dwelling
- Potential Mixed-Commercial/Home Based-Based Business
- Promote Voluntary Open Space Protection
- Existing Residential Development
- Existing Economic Development
- Existing Open Space



0 1,000 2,000 3,000 4,000 Feet
Massachusetts State Plane Meters
North American Datum 1983

This map was created by the Berkshire Regional Planning Commission and is intended for general planning purposes only. This map shall not be used for engineering, survey, legal, or regulatory purposes. MassGIS, Massachusetts Highway Department, BRPC or the town may have supplied portions of this data.

This project was funded through a grant from the Massachusetts Executive Office of Environmental Affairs, Massachusetts Department of Housing and Community Development, and the Massachusetts Executive Office of Transportation and Construction.

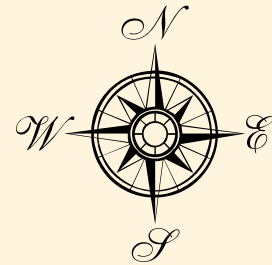
Status of Roads

Town of Peru, Massachusetts

Street Name	Adminstration	Length (Miles)	Grid
Andes Road	Tow n Accepted	0.68	C3
Ash Lane	Tow n Accepted	0.43	B4
August Smith Road	Tow n Accepted	1.70	B3
August Smith Road	Discontinued (Dalton Fire District)	1.91	B2
Beauman Road	Tow n Accepted	1.16	C2
Birch Hill Road	Private	0.06	C4
Bonny Lane	Tow n Accepted	0.51	D4
Bradshaw Road	Discontinued	0.51	D7
Brookside Road	Private	0.38	C6
Bryan Road	Discontinued	0.54	D7
Causeway Road	Tow n Accepted - To be Statutory Private Way	0.55	C6
Cornell Lane	Private	0.27	B6
Curtin Road	Tow n Accepted	4.38	C6
David Drive	Tow n Accepted	0.21	D4
Dyke Road	Private	0.09	C6
East Main Road	Tow n Accepted	2.64	C4
East Windsor Road	Tow n Accepted	4.03	C3
Frery Road	Tow n Accepted	0.22	C2
Frery Road	Discontinued	1.03	C2
Garnet Hill Road	Discontinued	3.06	C7
Garnet Mountain Lane	Private	0.55	B6
Gentian Hill Road	Private	0.55	B7
Greylock Circle	Private	0.32	B6
Haskell Road	Tow n Accepted	0.99	B5
Haskell Road	Discontinued	0.47	B5
Hickingbotham Road	Tow n Accepted	1.63	B4
Hill Road	Private	0.08	Inset
Hillside Road	Private	0.05	Inset
Hilltop Road	Tow n Accepted	0.12	D4
Kreutzer Road	Tow n Accepted	0.92	C5
Kreutzer Road	Discontinued	0.64	D6
Lafayette Drive	Tow n Accepted	0.32	B3
Lakeview Road	Private	0.31	C6
Lakeview Road Extension	Private	0.16	C6
Lee Road	Private	0.01	Inset
Marlow Drive	Tow n Accepted	0.37	B4
Matteau Road	Tow n Accepted	0.13	A8
Middlefield Road	Tow n Accepted	3.58	B5
Minsters Road	Tow n Accepted	0.12	C4
Mongue Road	Tow n Accepted	0.75	C4
Mongue Road	Discontinued	1.29	C3
North Road	Tow n Accepted	1.21	C4
O'Brien Lane	Tow n Accepted	0.19	D3
Old Tow n Road	Discontinued	0.56	B3
Old Tow n Road	Discontinued	0.94	C3
Old Tow n Road	Discontinued	0.85	C7
Orpin Road	Tow n Accepted	0.34	D5
Orpin Road	Discontinued	0.26	D5
Pierce Road	Tow n Accepted	1.66	D3
Pine Road	Private	0.06	Inset
Raymond Road	Tow n Accepted	0.47	B3
Rice Road	Discontinued	1.26	C5
Ridge Road	Private	0.11	B7
Rita Road	Tow n Accepted	0.09	D4
South Road	Tow n Accepted	2.57	C5
South Road Extension	Tow n Accepted	1.17	C6
Spruce Drive	Tow n Accepted	0.31	C3
Spruce Road	Private	0.06	Inset
Stephanie Lane	Private	0.20	B7
Stone Road	Private	0.03	Inset
Strong Road	Tow n Accepted	0.70	D5
Strong Road	Discontinued	0.39	D5
Unknown n	Tow n Accepted - Unknown n Status	0.54	C6
Weeks Road	Tow n Accepted	0.23	C3
West Haskell Road	Tow n Accepted	0.15	C5
West Main Road	Tow n Accepted	1.86	C3

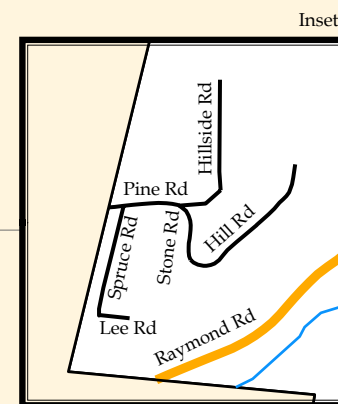
Town Accepted	Power Line
Private	Perennial Stream
Discontinued	Intermittent Stream
Town Accepted - unknown status	Lake / Pond
Town Accepted - To be statutory private way / discontinued	Wetland / Marsh
	State and Federal Land
	Municipal Land

Prepared As Part of
the EO418 Community
Development Plan
(June 30, 2004)



1:34,000
0 2,000 4,000 6,000 8,000 Feet

Massachusetts State Plane Meters
North American Datum 1983



Maintained by
Hinsdale &
Washington

