

Planning Board Zoning and Zoning Map Change Proposals – April 2023

The Planning Board is recommending a correction to the Solar Bylaw and an update to the Aquifer Protection District Bylaw, as well as corrections to the Zoning Map. Bylaw insertions are in bold and deletions in strikeout.

1. A correction to ~171-28.5 Solar Electric Generating Facilities H (3) to replace language inadvertently omitted during revisions of the bylaw in 2020. The insertion restores the original language approved in 2011.

“H. Design and Performance Standards

(3) Utility Connections

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

2. Updates to ~171-28.4 Aquifer Protection District to reflect the fact that the Whately Water District wells are no longer serving as a public water supply. References to the Water District wells and to the Interim Wellhead Protection Area, which only applied to those wells, are recommended to be deleted.

“C. CRITERIA DEFINING THE AREAS WITHIN THE AQUIFER PROTECTION DISTRICT

*For the purposes of this district, there are hereby established within the Town, **three (3)** ~~four (4)~~ Aquifer Protection District Areas, consisting of Zone I, Zone II, **and Zone III,** ~~and an Interim Wellhead Protection Area.~~ The criteria used to delineate these areas are set forth in the Massachusetts Drinking Water Regulations, 310 CMR 22.02, and are described in the Source Water Assessment Program Reports prepared by the Massachusetts Department of Environmental Protection for the Whately Water District (January 14, 2002) and the Whately Water Department (November 27, 2002).*

1. Zone I – The protective radius around a public water supply well that should be owned or controlled by the water supplier. ~~For the two (2) Water District wells, the protective radius is 245 feet around each well.~~ For the two (2) Water Department wells, the protective radius is 400 feet around each well.

2. Zone II – The area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at approved yield, with no recharge from precipitation). It is bounded by the groundwater divides which result from pumping the well and by the contact of the aquifer with less permeable materials such as till or bedrock. In some cases, streams or lakes may act as recharge boundaries. In all cases, Zone II shall extend upgradient to its point of intersection with prevailing hydrogeologic

boundaries (a groundwater flow divide, a contact with till or bedrock, or a recharge boundary).

~~3. Interim Wellhead Protection Area (IWPA) — The Massachusetts Department of Environmental Protection established an Interim Wellhead Protection Area (IWPA) for each of the Whately Water District Wells. The IWPA is a circle around each well that has a radius of 605 feet.~~

3. Zone III – Means that land area beyond the area of Zone II ~~and the IWPA~~ from which surface water and groundwater drain into Zone II ~~and the IWPA~~. The surface drainage area as determined by topography is commonly coincident with the groundwater drainage area and will be used to delineate Zone III. In some locations, where surface and groundwater drainage are not coincident, Zone III shall consist of both the surface drainage and the groundwater drainage areas.

E. PROHIBITED USES

2. The following uses are prohibited within Zone I, Zone II, **and** Zone III ~~and the Interim Wellhead Protection Area (IWPA)~~:

F. DIMENSIONAL REQUIREMENTS FOR THE AQUIFER PROTECTION DISTRICT

(1) ~~Within Zone II, the Interim Wellhead Protection Area, and the Zone III~~, the minimum lot size for all uses is three (3) acres. A lot must have two hundred (200) feet of frontage on a street. The lot must comply with the dimensional requirements of the underlying zoning district for Front Yards and Rear Side Yards. Flag lots in these areas, excluding the access strip, shall be at least three (3) acres.

(2) Within Zone II, the Interim Wellhead Protection Area, and the Zone III, the maximum lot coverage shall not exceed ten percent (10%) of the lot."

3. Corrections to the Town of Whately Zoning Map as shown in the draft Zoning Map dated April 6, 2023.

The zoning district depicted for several parcels on the current zoning map is incorrect. The revised map contains the following corrections to reflect the actual zoning:

- Parcels 6-0-25-26 through 6-0-25-38, parcels 6-0-25-42 through 6-0-25-44, parcels 6-0-31-6 through 6-1-31-22, and parcels 6-0-31-24 and 6-0-31-25 on Eastwood Lane, Frances Way and Grey Oak Lane are shown as being in Ag/Residential 1 rather than Ag/Residential 2;
- Parcels 6-0-25-23 and 6-0-31-23 are shown as being partly in Ag/Residential 1 and partly in Ag/Residential 2;
- Parcels 20-0-34-4 through 20-0-34-6 on Mieczowski Circle are shown as being entirely within Ag/Residential 1 rather than being partly in Ag/Residential 2;
- Parcel 12-0- 24-2 on State Road is shown as zoned Ag/Residential 1 and 2, not Commercial.