

## Proposed Zoning Bylaw Changes – Spring 2021

The Planning Board is proposing several changes to the Whately Zoning Bylaws. The text of the proposed changes is shown below with a brief explanation for each. The changes appear in red, with insertions underlined and deletions in strikethrough.

1. The Board is proposing to require submission of digital files for site plan reviews, to reduce the number of paper copies required, and to add the Agricultural Commission to the town boards to receive the plans.

### ~ 171-17. Site plan review and review of large developments.

#### A. (3) Procedures

~~(a)~~ An applicant for site plan review shall file a completed application with the Planning Board, at a regularly scheduled meeting. The application shall include a digital file and four (?) copies each of an application form, site plan and any narrative documents as necessary. The Planning Board Chairperson shall acknowledge receipt of the plans by signing and dating the application form. A copy of the completed application shall be filed with the Town Clerk by the applicant. The Planning Board shall transmit copies of the application to appropriate Town Boards and municipal officials. This may include the Special Permit Granting Authority if a Special Permit has also been applied for, the Conservation Commission, the Zoning Board of Appeals, the Board of Health, the Historical Commission, the Agricultural Commission, the Highway Superintendent, the Fire Chief or the Building Inspector. These Town Boards and municipal officials shall have 45 days from the date the completed application is received from the Planning Board to report to the Planning Board their findings and recommendations. Failure to report in the allotted time shall constitute approval of the application submitted by that Board or municipal official.

Deleted: (a)

Deleted: six

2. The Board is proposing to add a definition of Indoor Marijuana Cultivation to the marijuana bylaw and to clarify that the Zoning Board of Appeals and the Planning Board have the authority to hire experts to monitor and inspect marijuana facilities after they commence operation.

### ~ 171-28.6 Adult Use Recreational and Medical Marijuana Establishments [ Amended 4-24-2018 Article 41]

#### B. Definitions

Indoor Marijuana Cultivation – the growing of marijuana inside any Greenhouse or other fully enclosed structure for the final six weeks of the marijuana plant's growing cycle and any subsequent drying of these plants in these facilities.

**D. Site Development, Permitting Standards & application**

16. Inspections and Monitoring

The Marijuana Establishment may be inspected and/or monitored at various times during its construction and operation. The Zoning Board of Appeals, as special permit granting authority, or the Planning Board, pursuant to the Site Plan Review process, may hire an inspector with background and experience in marijuana cultivation, exterior odor control and measurement, stormwater management, or other expertise relative to Marijuana Establishments to provide inspection and monitoring services at the expense of the project proponent. Such required inspections may be specified in the Special Permit and/or Site Plan Review conditions.

[Re-number subsequent paragraphs.]

3. The Board is proposing that the current requirement that allows accessory apartments only in pre-existing accessory structures like barns and garages be amended to also permit these apartments in new structures but with a smaller size limit.

**~ 171-37. Terms Defined**

ACCESSORY APARTMENT -- An additional dwelling unit consisting of no more than four rooms and no more than 800 square feet of living area in a single-family home, or an accessory structure provided there is no expansion of square footage of the accessory structure and the structure has been in place for at least five years. An additional dwelling unit of no more than 600 square feet may be added in a new structure. The Accessory Apartment shall be occupied by no more than two people. The owner of the property shall permanently occupy the principal or accessory residence. Adequate off-street parking shall be provided and parking shall be to the side or rear of the principal structure to the maximum extent possible.

**Deleted:** pre-existing

**Deleted:** . An Accessory Apartment may also be located in a pre-existing

**Deleted:** such as a garage or barn