Proposed Zoning Bylaw Changes – June 2021

Changes to bylaws are in italics with deletions in strikeout and insertions underlined.

Rezoning of parcels:

To vote that parcels 06-0-04-3 on Egypt Road adjacent to the railroad tracks, 12-0-24 (148 State Road) and 12-0-24-1 (between State Road and I91) be rezoned from the Agricultural/Residential 1 District to the Commercial District and that the Town of Whately Zoning Map be modified accordingly.

To insert an additional Commercial use in the Table of Use:

~ 171-8. Table of Use Regulations.

<table>
<thead>
<tr>
<th>Principal Use</th>
<th>Agriculture/Residential 1</th>
<th>Agriculture/Residential 2</th>
<th>Commercial</th>
<th>Commercial - Industrial</th>
<th>Industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Trucking and construction equipment</strong></td>
<td>N</td>
<td>N</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
</tr>
</tbody>
</table>

N = No, the use is not permitted in that zoning district.
SP = The use is allowed in that zoning district only after a special permit has been granted.

To modify submission requirements for site plan documents:

~ 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 six 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.
To modify the Marijuana Bylaw to define Indoor Cultivation and to clarify the town’s ability to inspect and monitor operating facilities:

~ 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 and any subsequent drying of marijuana in such a facility.

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.]

To modify the definition of accessory apartments to allow one of 600 square feet or less in a new accessory structure:

~ 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 pre-existing single-family home. An Accessory Apartment may also be located in a pre-existing or an accessory structure such as a garage or barn-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.