

Shelburne Town Meeting

Planning Board Warrant Articles

Warrant Article 27

The Commonwealth of Massachusetts Attorney General’s office has advised the Town that commercial greenhouses are overregulated in our current zoning bylaw. This article proposes to align Town bylaws with Massachusetts General Law related to agriculture.

This article defines the permitting for agricultural commercial greenhouses by zoning district, according to:

- 1. the acreage in production; and,
- 2. annual gross sales for those greenhouses with less than 5 acres in production. (Greenhouses with 5 or more acres in production do not have to meet this sales requirement).

Commercial agricultural greenhouses in the VR, VC, and I districts meeting BOTH of the following criteria will require a Special Permit from the ZBA:

- 1. At least 2 but less than 5 acres in production; AND,
- 2. Annual gross sales of less than \$1000 per acre.

Commercial agricultural greenhouses are allowed by right in all zoning districts if they meet ONE of the following criteria:

- 1. 5 acres or more in production; OR,
- 2. 2 acres or more in production AND annual gross sales of at least \$1000 per acre.

Warrant Article 28

This article proposes that retail store buildings of 2500sf or less will no longer be permitted in the Village Residential (VR) zoning district.

Legend & Acronyms

Zoning Districts

RA	Rural Residential/ Agricultural
VR	Village Residential
VC	Village Commercial
C	Commercial
I	Industrial

Table of Use Codes

Y	Yes; the use is permitted by right in that zoning district
N	No; the use is explicitly prohibited in that zoning district
SP	The use is allowed in that zoning district only if a Special Permit has been granted by the Special Permit Granting Authority (SPGA)
PB	Planning Board
ZBA	Zoning Board of Appeals

Warrant Article 29

Part 1

The first part of this warrant article adds a category of marijuana establishments to the allowable use table in accordance with the categories defined by the state. The article proposes that Marijuana Transporters shall only be permitted in the Industrial (I) zoning district.

The article also adds footnotes to the use table for definitions and requirements as set forth by the state.

Part 2

The Commonwealth of Massachusetts defines terms related to marijuana establishments and the Town of Shelburne is required to match those definitions. Each time the state revises its definitions, the Town is required to change its bylaws at Town Meeting to match.

The proposed change is to delete those definitions from the local bylaws, thereby allowing the Town to always be up-to-date with any changes made at the state level. The proposed bylaw will refer to the Commonwealth's definitions by footnote, and marijuana establishments will still be required to comply with those definitions, as noted in Part 1 above.

Shelburne Town Meeting

Planning Board Warrant Articles, continued

Warrant Article 30

This article de-conflicts two paragraphs in the existing bylaw which had an unintended effect of allowing commercial signs greater than 64sf outside of the Village Commercial (VC) district.

The article proposes capping the allowable cumulative size of all commercial signs on a lot at no greater than 64sf.

The article also proposes that any individual commercial sign outside the VC district greater than 48sf require a Special Permit from the Zoning Board of Appeals.

Warrant Article 31

This article seeks to clarify the use of findings and special permits, as suggested by the Town Counsel.

Where structures or uses exist and do not conform to the current by-laws, there is a process to allow for extensions, alterations, and changes subject to approval by the Zoning Board of Appeals through a determination called a *finding*.

The Zoning Board of Appeals can make such a finding if the proposed alteration, extension, or change is not substantially more detrimental than the existing non-conforming use to the neighborhood. This is a public hearing where neighbors (abutters) can also comment on the proposed changes.

The proposed warrant article sets the ZBA approval threshold at a simple majority (rather than a super majority as required for special permits) and clarifies the submission requirements for a finding.

Legend & Acronyms

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