

Williamstown Planning Board, 2021 Proposed Bylaw Amendments

Proposed by: Williamstown Planning Board

Forwarded to the Select Board, March 9, 2021

ARTICLE A – REMOVAL OF LIMITED INDUSTRIAL FROM EASTLAWN CEMETERY

To see if the Town will vote to amend the Williamstown Zoning By-Laws, §70 of the Code of the Town of Williamstown as follows:

Amend the Williamstown Zoning Map by rezoning the portions of Assessor’s Parcels 121 – 88 & 99 General Residence from the present Limited Industrial.

This article will rezone an area of Eastlawn Cemetery and Clover Hill Farm from Industrial to Residential. This is largely a map correction. The area is zoned industrial as a holdover from an earlier era when all of Water Street was industrially zoned and this land was envisioned for a small industrial park per the 1963 Master Plan. This zoning is no longer in line with the long term vision of the Town.

ARTICLE B – EXTENSION OF LIMITED BUSINESS DISTRICT

To see if the Town will vote to amend the Williamstown Zoning By-Laws, §70 of the Code of the Town of Williamstown as follows:

Amend the Williamstown Zoning Map by rezoning the portions of Assessor’s Parcels 119-112, 112-105, & 102-14 Limited Business from the present General Residence.

This article will rezone two business properties that are currently non conforming uses. The properties in question are 248 Cole Avenue (119-112) (former Leo’s Luncheonette and LaPlante Appliance) and 25 Main Street (112-105, & 102-14) (former Dion Money Management and Country Peddler) Each building was on the market during 2020 and each building’s non conforming zoning status led to prospective buyers facing difficulties in re-purposing the commercial space. Rezoning these parcels to the Limited Business designation, which each are currently adjacent to, will prevent them from becoming underutilized properties in the future.

ARTICLE C – MARIJUANA REGULATION AMENDMENTS

To see if the Town will vote to amend the Williamstown Zoning By-Laws, §70 of the Code of the Town of Williamstown as follows:

Amend §70-3.3A(2) Business Uses, by renaming the current marijuana related use categories, and modify permitting and zone categories as follows;

- ***Marijuana retail*** is replaced by ***Marijuana Retailer***, all zone and permitting to remain as is. ***Marijuana production facility*** is replaced by ***Marijuana Cultivator***, to be permitted only in ***Limited Industrial and Rural Residence 2***, and ***Marijuana Product Manufacturer***, to be permitted only in ***Limited Industrial***.

Amend §70-9.2 by deleting the definitions for MARIJUANA PRODUCTION FACILITY and MARIJUANA RETAILER and adding the following:

MARIJUANA CULTIVATOR - An entity licensed to cultivate, process and package Marijuana, and to Transfer Marijuana to other Marijuana Establishments as defined by 935 CMR 500, but not to Consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.

MARIJUANA PRODUCT MANUFACTURER - An entity licensed to obtain, compound, blend, extract, infuse or otherwise make or prepare a Cannabis or Marijuana Product, process and package Marijuana or Marijuana Products and to transfer these products to other Marijuana Establishments, but not to Consumers.

MARIJUANA RETAILER - An entity licensed to purchase, repackage, white label, and transport marijuana or marijuana product from Marijuana Establishments and to transfer or otherwise transfer this product to Marijuana Establishments and to sell to Consumers.

This article will realign the Town's definitions and legal terminology associated with all marijuana related land uses with the definitions and legal terminology used by both state statute and the Commonwealth's Cannabis Control Commission (CCC). When the Town passed initial regulations in 2017 the CCC and its enabling legislation did not yet exist. This article makes no changes to how these land uses are regulated in the community or where they are allowed. It only aligns town regulation with state regulations.

ARTICLE D – MARIJUANA CULTIVATORS

To see if the Town will vote to amend the Williamstown Zoning By-Laws, §70 of the Code of the Town of Williamstown as follows:

Amend §70-3.3A(2) Business Uses & §70-3.3B Accessory Uses by amending the section on marijuana cultivators to create new use categories for types of marijuana cultivators and marijuana microbusinesses as follows.

ZONING DISTRICTS	RR1	RR2 RR3	GR	LB	VB	PB	LI	SG
§ 70-3.3A(2) BUSINESS USES								
<i>Marijuana Cultivator</i>								
Indoor Cultivation	No	No	No	No	No	No	BA	No
Outdoor Cultivation	No	BA ⁶	No	No	No	No	No	No

Adding footnote ⁶5,000 square feet of canopy or less is permitted by right.

Amend §70-9.2 by adding the following definitions;

MARIJUANA CULTIVATOR, INDOOR - An indoor cultivator means one that cultivates the growth of marijuana plants within a building through use of artificial light. An Indoor Marijuana Cultivator shall be entirely enclosed in a building and activity therein shall not be visible to a public way or adjacent properties. All indoor cultivators shall use artificial ventilation and filtering equipment to minimize the impact of odors on surrounding properties.

MARIJUANA CULTIVATOR, OUTDOOR - An outdoor cultivator means one that cultivates the growth of Cannabis without the use of artificial lighting in the Canopy area at any point in time. Artificial lighting is permissible only to maintain Immature or Vegetative Mother Plants.

Amend §70-7.2 by the creation of a new section (K);

K. Marijuana Establishments. Marijuana Establishments with the exception Marijuana Retailers, as described by this chapter, shall be allowed in accordance with § 70-3.3, Use Regulation Schedule and shall abide by the following development standards.

- (1) Expert Review: In reviewing applications for special permits the Zoning Board of Appeals reserves the right to hire an independent consultant(s) with experience in evaluating marijuana establishments or similar facilities on behalf of municipalities and whose services shall be paid for by the applicant(s).
- (2) Waste Management: Marijuana Establishments shall compost organic waste composed of or containing marijuana and marijuana products in accordance with applicable regulations of the Cannabis Control Commission, including, but not limited to 935 CMR 500.105(12). A waste management plan identifying all waste streams and method of disposal shall be submitted to the ZBA for review.
- (3) Nuisance: No use shall be allowed at a Marijuana Establishment which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive sound or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.
- (4) Indoor Marijuana Cultivators, Marijuana Product Manufacturers, and Marijuana Testing Facilities as defined by 70-9, shall abide by the following development standards.
 - a. Odor Control and Mitigation: A detailed plan to control and mitigate odors or emissions of any kind from exiting the proposed facility, using the Best Available Technology must be submitted. The plan must include Design and Specifications of all filtration technologies and equipment proposed to be implemented along with an action plan addressing the response to any emissions that may occur during the operation of the facility. If at any time during the ongoing operations of a duly licensed facility emissions or odors occur, the marijuana establishment will immediately correct such condition and inform the permit granting authority in writing of the measures taken to mitigate.
 - b. Renewable Energy Requirements: Applicants shall be required to integrate roof or ground mounted solar photovoltaic systems or an alternative renewable energy technology to provide at least 25 percent of the energy needs of the facility. The Zoning Board of Appeals may modify or waive this requirement based on site conditions or other considerations.
- (4) Outdoor Marijuana Cultivators as defined by 70-9, shall abide by the following development standards.
 - (a) Lot Area Requirement: All Outdoor Marijuana Cultivators shall be located on 5 or more acres of land.
 - (b) Facility Setback Requirements: All Outdoor Marijuana Cultivators facilities shall be subject to 150 foot side and rear setbacks. Marijuana Cultivators licensed for 1 acre or less of canopy shall be set back 150 feet from all public ways. Marijuana Cultivators licensed for more than 1 acre of canopy shall be set back 200 feet from all public ways. No part of the facility as defined by the Massachusetts Cannabis Control Commission shall be located less than 500 feet from the closest point of any residential dwelling, not

in common ownership with the applicant, in existence at the time of the operator's application to the Zoning Board of Appeals for a special permit.

- (c) Screening: All secure area fencing as required by the Massachusetts Cannabis Control Commission shall be screened from the public way and neighboring properties by site appropriate native vegetation. Vegetation shall be at 6 feet in height and 90% opacity within three years of planting. Any razor or barbed wire on required security shall not be visible from the public way or abutting property. All applicants shall submit a screening plan. The Zoning Board of Appeals may waive this requirement if topography or other site considerations produce adequate screening.
- (d) Lighting: All Outdoor Marijuana Cultivators shall meet the security requirements of 935 CMR 500 without the use of overnight visible outdoor lighting. Visible lighting on site shall be limited to that necessary to provide safe egress from buildings and parking as required by the Massachusetts State Building Code and/or the Cannabis Control Commission and shall be of full cut off Type 3 fixtures as defined by 70-5.4(D). All applicants shall submit a lighting plan as defined by 70-5.4(D) of this chapter to the Zoning Board of Appeals as part of their application.
- (e) Odor Dispersal Plan: All Outdoor Marijuana Cultivators shall utilize Best Available Technology which may include vegetative buffers to mitigate cannabis plant odors. Applicants shall submit a detailed odor dispersal plan to the Zoning Board of Appeals as part of their application.

This article will establish strict regulations for both indoor and outdoor cannabis cultivation. Both are currently allowed in Williamstown without special development standards unique to this particular use.