

This document serves as an incorporation of edits based on the February 27, 2023, meeting of the Planning Board, who is sponsoring the zoning amendment brought before them by the owners of Houlden Farm (95 Wesson Street). This document is for discussion purposes at the next meeting of the Planning Board on March 13, 2023.

To see if the Town will vote to amend the Zoning Bylaws, Appendix A 3.2.3.1 – Use Regulation Schedule, Accessory Uses to add a new Item #15 with provisions as follows:

Deleted text in red highlight and added text in green highlight:

Accessory Uses	A	R40	R20	RMF	NB	CB	I	OLI	VMU-SG	VMU-WS	VMU-TV	VMU-GW	FP	WSPO
15. Seasonal, outdoor eating and drinking establishments, including banquet facilities, alcohol sales and live entertainment that relate to operations of the principal agricultural use in an amount of no more than 10 percent of the total agricultural acreage (limited to 70 db at property lines no more than 10 db above ambient noise levels) for agricultural/farm principal uses for properties over 20 acres 5 acres	S	S	S	S	S	S	S	S	S	S	S	S	S	S

And further, to amend the zoning map to modify all 49.61 acres of 95 Wesson Road, parcel 023.0/0000/0005.0 from Residential to Agricultural as shown on the attached map or take any other action thereon.

[Note: The Town Planner strongly recommends seeking out other locations on the existing site further back from the property line in order to reduce the impact of noise on abutters, utilizing strategies such as the use of a generator, to make this possible. The Board may consider mandating that performances are held a certain number of feet back from the property line, the accessory uses adhere to the hours of the farm stand, or another provision, and modifying the bylaw accordingly.

At a minimum, any approval/s for such a use may contain conditions to reduce disturbance to abutters, such as limitations to acoustic-only music and/or requirements for noise mitigation during live performances.]

To see if the Town will vote to amend the Zoning Bylaws to add a Section 5.12 – Accessory Uses in Agricultural and Residential Districts for Seasonal, Outdoor Eating and Drinking Establishments, including Banquet Facilities, Alcohol Sales, and Live Entertainment, as follows:

5.12 Accessory Uses in Agricultural and Residential Districts for Seasonal, Outdoor Eating and Drinking Establishments, including Banquet Facilities, Alcohol Sales, and Live Entertainment

5.12.1 Requirements – A range of uses accessory to an agricultural use including, but not limited to, restaurants or similar food service establishments, outdoor dining, indoor or outdoor events, and retail stores selling agricultural, food, craft, art or similar products.

5.12.2) Standards:

5.12.2.a) The primary use must be an agricultural use.

5.12.2.b) The property must be a minimum of 20 acres.

5.12.2.c) The accessory uses must not exceed 10 percent of the total agricultural acreage.

5.12.3 Review: A Special Permit from the Planning Board is required. In determining whether to approve an application for a special permit, authorizing this accessory use, the SPGA shall consider the following:

5.12.3.a) All conditions specified in Section 1.5 of this Bylaw that pertain to Special Permits generally;

5.12.3.b) The compatibility of the proposed accessory use with the primary use;

5.12.3.c) Mitigation measures taken to minimize potential negative impacts to surrounding properties; and

5.12.3.d) The use will not have detrimental effects which outweigh its benefits to the neighborhood, Town, or zoning district in which it is located.

[Note: The Town Planner requests that the Board evaluate adding bulleted language in Section 1.5.5 - Conditions for Granting Special Permits to add language stating something along the lines of one the following:

- The use will not have detrimental effects which outweigh its benefits to the neighborhood, Town, or zoning district in which it is located.
- The use as developed will not adversely affect the neighborhood;
- Special permits shall normally be granted if a condition exists peculiar to the particular case but not generally true for similar permitted uses on other sites in the same district, and it appears that nuisance, hazard, or congestion will not be created, and there will not be substantial harm to the neighborhood or derogation from the intent of the Bylaw, and the stated district intent will be satisfied.]