

**Table of contents**

Section 1 – Authority and Purpose	Page 3
Section 2 – Zoning Districts	Page 4
Section 3 – Schedule of Use Regulation	Page 6
Section 4 – Restrictions	Page 8
-Mobile Homes	
-Adult Uses	
-Maximum Height and Footprint	
Section 5 – Special Permits	Page 10
Section 6 – Site Plan Review	Page 14
Section 7 – Overlay Districts	Page 17
-Floodplain overlay	Page 17
-Water Supply Protection overlay	Page 19
-ARHC overlay	Page 23
-Solar Photovoltaic overlay	Page 24
Section 8 – Reserved for future use	Page 25
Section 9 – District Locations and Area Provisions	Page 26
-Setback Requirements	
-Frontage Requirements	
-Multi-Family Restrictions	
-Regulations on Lot Access	
-Accessory Apartments	
-Restrictions on Accessory Structures	
-Maximum Lot Coverage	Page 29
-Structural Projections Into the Setback	
-Restrictions on Lot Drainage	
-Parking Requirements	
-Fence Regulations	Page 30
-Sign Regulations	
-Sign Restrictions	Page 31
-Soil Mining Regulations	
-Motor Vehicle Storage and Junk Cars	Page 33
-Home Occupations	
-Outside Lighting	Page 34
-Age Restricted Housing Community	Page 34
-Registered Medical Marijuana Facilities	Page 46
-Marijuana Establishments for Adult Use	Page 47
-Solar Photovoltaic Installations	Page 51
-Establishments for Transient Lodgers	Page 59
Section 10 – Driveway Standards	Page 62
-Common Driveway Regulations	
Section 11 – Wireless Communications Facilities (WCF)	Page 66
Section 12 – Non-Conforming Uses	Page 72
Section 13 – Administration	Page 73
-Appeals of Building Inspector Decisions	Page 73
Section 14 – Permits and Exemptions	Page 74
Section 15 – Zoning Board of Appeals	Page 75
Section 16 – Amendments	Page 75
Section 17 – Validity	Page 75
Section 18 – Definitions	Page 76
Section 19 – Attachments	Page 82
a. Description of Zoning Districts	
b. Zoning Map	

Public Hearing April 25, 2022.

Proposed changes to the Zoning Bylaw.

*How to read this document: red text that is crossed out will be deleted. Blue text will be added. The callouts on the right side of the page are meant to describe the changes in accessible terms.*

Changes to the Table of Contents.  
 Section 9.25 was adopted first, when we only had medical marijuana. We're deleting this section and rolling all the rules into the next section, 9.26. The state refers to these as "Marijuana Establishments"

Section	Use	VR	VM	RU	Notes
	Industrial/manufacturing/sawmills	N	SP/SPR	SP/SPR	
	Kennel	N	SP	SP	See Definitions, Section 19
	Light industry	N	SP	SP	
	Lodging facility	SP	SP	SP	
	<a href="#">Marijuana Establishments: Independent Testing Laboratory Facility, Craft Marijuana Cooperative, Marijuana Research Facility, Independent Testing Laboratory, Standards Laboratory, Microbusiness, Cultivator, Product Manufacturer, and Marijuana Carrier, Transporter and Marijuana Delivery Operator</a>	N	SP/SPR	SP/SPR	
	<a href="#">Marijuana Establishments: Marijuana Retailer and Medical Marijuana Treatment Center</a>	N	SP/SPR	N	
	<a href="#">On-site marijuana consumption</a>	N	N	N	
	Professional office	SP	P	SP	
	Recreational business	SP	SP	SP	
	Restaurant	N	P	SP	
	<del>Registered Marijuana Dispensary</del>	N	SP	N	
	Retail business	SP	P	SP	
	Riding academy	N	N	P	
	Service business	SP	P	SP	
	Short-Term Rental in a Single-Family Dwelling	SP	SP	SP	
	Short-Term Rental in a Two-Family Dwelling	SP	SP	SP	
	Soil mining	N	SP/SPR	SP/SPR	See Section 9.6
	Trucking/heavy equipment storage	N	SP	SP	
	Utility facility	SP	SP	SP	
	Veterinary hospital	N	P	SP	
	Warehouse	N	SP	SP	
	Wireless communications facility	SP	SP	SP	See section 11
<b>3.3</b>	<b>Community Uses</b>				
	Cemetery	SP	SP	SP	
	Day care center (includes 'Day Care-Home')	P	P	P	
	Health care facility	N	SP	SP	
	Membership club	SP	SP	SP	
	Municipal uses	SP/SPR	SP/SPR	SP/SPR	Municipal uses of the Town of Williamsburg shall be exempted from the requirements for frontage, <i>front setbacks</i> , lot coverage, and parking
<b>3.4</b>	<b>Exempted Uses</b>	<b>VR</b>	<b>VM</b>	<b>RU</b>	<b>Notes</b>
	Agriculture, horticulture, floriculture on parcels of more than 5 acres in size	P	P	P	
	Church, or other religious use	P	P	P	
	School, or other educational use	P	P	P	
	Temporary mobile home	P	P	P	As allowed by MGL Chap. 40A
<b>3.5</b>	<b>Accessory Uses</b>				
	Accessory structures	P	P	P	See Section 9
	Common driveway	SP	SP	SP	See Section 10.7
	Parking of one (1) trailer, mobile home, or recreational vehicle on any tract, parcel or lot	P	P	P	On parcel serving as legal parking area for multi-family dwelling, the limit shall be one (1) trailer, mobile home, or recreational vehicle per dwelling unit

Here we're adding the newer types of Establishments to our list of allowed land uses. This first group of Establishments will not be allowed in the Village Residential Zone. They will be allowed in the other two zones only if the Zoning Board of Appeals grants a Special Permit after a Site Plan Review by the Planning Board ("SP/SPR")

In this row, we have Marijuana Retailer and Medical Marijuana Treatment Center. These would be allowed only in the Village Mixed Zone

In this row we define that on-site marijuana consumption would not be allowed in any Marijuana Establishment. The Town could choose to change this in the future.

"Registered Marijuana Dispensary" was the old name for Medical Marijuana Treatment Centers

Rough Definition of our Zones:  
 "VR" = Village Residential  
 "VM" = Village Mixed Use, mainly adjacent to Route 9  
 "RU" = Rural; zone, "everything else"  
 Refer to the Zoning Map for detail.

(1A). Must conform to the requirements of sec. 9. (1B). A Maximum of three residences.

## **SECTION 9.25 ~~DELETED REGISTERED MARIJUANA DISPENSARIES~~**

### ~~9.25-1 Purpose~~

~~The purpose of this section is to provide for the orderly placement of Registered Marijuana Dispensaries (RMDs), including all locations for cultivation, processing and dispensing of marijuana and marijuana products, as defined in and in accordance with 105 CMR 725.000 of the Massachusetts Department of Public Health, as it may be revised, replaced or amended from time to time, in areas where such a facility is not inconsistent with the neighborhood character.~~

### ~~9.25-2 General~~

~~RMDs may be allowed by Special Permit and Site Plan Review within the Village Mixed District. RMDs will not be allowed in the Village Residential or Rural Districts. A RMD must be located a minimum of 300 feet (to be measured in a straight line from the nearest points of each property line) from a public or private school, child care facility, or any other location or facility where children commonly congregate.~~

~~The special permit will be limited to the RMD entity approved by the Massachusetts Department of Public Health who shall also be the applicant for the special permit. The special permit will lapse if the permit holder ceases to operate the RMD, or upon expiration or termination of the applicant's registration with the Massachusetts Department of Public Health.~~

### ~~9.25-3 Reporting Requirements~~

~~Permitted RMDs shall file an annual report with the Planning Board and the Select Board no later than January 31<sup>st</sup> of each year, providing a copy of all current applicable state licenses for the facility and/or its owners. The RMD must certify that it is in complete compliance with all state and local regulations and bylaws currently in force. The RMD must identify any violations of state and local regulations and bylaws in the past year, and all measures it has taken to correct those violations and prevent recurrence.~~

### ~~9.25-4 Application Requirements~~

~~In addition to all of the application requirements for Special Permits and Site Plan Reviews provided for in Sections 5 and 6 of the Town's Zoning Bylaw, applications for a RMD facility shall include the following:~~

- ~~a) — The name and address of each owner of the RMD.~~
- ~~b) — Documents showing that the RMD has or is qualified to receive a Certificate of Registration and complies with all applicable state regulations currently in force for RMDs.~~
- ~~c) — Evidence of site control and right to use the site for a RMD.~~
- ~~d) — Documents that demonstrate that the Site Plan and all planned activities on the site are in compliance with all state and local laws, regulations and bylaws.~~
- ~~e) — Evidence that sufficient controls are in place such that a person with an unimpaired sense of smell at the exterior of the RMD will be unable to detect any odor from processing or other activities on the site of the RMD. Plans to demonstrate that the design of the RMD will minimize any adverse visual or economic impacts on abutters and other parties in interest.~~
- ~~f) — Documentation that the RMD plan has adequately addressed issues of traffic demand, circulation flow, and parking, particularly at peak periods of activity at the RMD, and its impact on neighboring uses.~~

We're deleting this section and we will use the next section, 9.26, to define everything about Marijuana Establishments, including Medical Marijuana

**SECTION 9.26 ~~Marijuana for Adult Use~~ Establishments**

**A. Purpose**

The purpose of this bylaw is to:

- a. Allow state-licensed marijuana establishments to exist in the Town of Williamsburg in accordance with applicable state laws and regulations issued by the Massachusetts Cannabis Control Commission (“Commission”) including but not limited to M.G.L. Chapter 94G and in accordance with 105 CMR 725.000 of the Massachusetts Department of Public Health;
- b. Provide safe and effective access to recreational cannabis in the Town of Williamsburg.
- c. Impose reasonable safeguards to govern the time, place, and manner of marijuana establishment operations to ensure public health, safety, and well-being, and to avoid impacts on the natural environment as it relates to cultivation, processing and manufacturing, subject to the provisions of this Zoning Bylaw, M.G.L. Chapter 40A (State Zoning Act), and M.G.L. Chapter 94G.

**B. Definitions**

Any term not specifically defined in these Zoning Bylaws shall have the meaning as defined in M.G.L. c. 94G. Section 1 and the Cannabis Control Commission regulations, 935 CMR 500.00 governing Adult Use Marijuana, as such statutes and regulations may from time to time be amended.

**C. Applicability**

- a. Independent ~~T~~esting ~~L~~aboratory, Standards Laboratory, Marijuana Cultivator, Microbusiness, Craft Marijuana Cooperative, Marijuana Carrier, -Transporter, Delivery Operator, Marijuana Research Facility, and Marijuana Product Manufacturer may be allowed by Special Permit and Site Plan Review in the Village Mixed and Rural Use Districts.
- b. Marijuana ~~R~~etailer and Medical Marijuana Treatment Center may be allowed by Special Permit and Site Plan Review in the Village Mixed Use District.
- c. On-site consumption of marijuana products at any Marijuana Establishment, either as a primary or accessory use, shall be prohibited, ~~unless permitted by local ballot initiative, as allowed by M.G.L. c. 94G. Section 3(b).~~

**D. ~~Application Requirements~~**

~~a. Security Plan~~

~~The applicant shall submit a security plan to the Town of Williamsburg Police and Fire Departments to demonstrate that there is limited undue burden on the Town public safety officials as a result of the operation of the proposed marijuana establishment.~~

- ~~i. The Williamsburg Police and Fire Departments shall provide comments to the Planning Board regarding the sufficiency of such plan or plans.~~

This is similar to what we changed in the Use Table on Page 7. Adding the latest Establishment types.

On-site consumption in a Marijuana Establishment is not allowed yet in the state, though regulations are forthcoming. We will disallow it until the path forward is clear and there is demand in the town for it.

Some of these requirements are adequately covered in the state licensing process. Any that we wanted to retain have been moved below to section E.4.c.

~~ii. The security plan shall include all security measures for the site and transportation of marijuana and marijuana products to and from off-site premises to ensure the safety of employees and the public and to protect the property from theft or other criminal activity.~~

~~b. Energy and Water Use Plans~~

~~a. All marijuana cultivators shall submit energy use and water use plans to the Planning Board to demonstrate best practices for energy and water conservation and ensure there are no undue impacts on the natural environment. The plans shall include an electrical system overview, proposed energy demand and proposed electrical demand off-sets, ventilation system and air quality, and proposed water system use and conservation.~~

~~E.D. General requirements and conditions for all marijuana establishments.~~

~~(1) All marijuana establishments, except for a Marijuana Cultivator, shall be located within a permanent building or structure and may not be located in a trailer, cargo container, motor vehicle or other similar non-permanent enclosure. Marijuana Establishments shall not have drive-through service. Marijuana cultivation shall be limited to 2000 square feet of canopy in a building or greenhouse. ~~If authorized under M.G.L. Chap. 94G, a Marijuana Cultivator may conduct its cultivation of marijuana outside of a building or structure.~~~~

(2) The hours of operation of Marijuana Establishments shall be set by the Zoning Board of Appeals.

~~(3) No Marijuana Establishment shall be located within 3500 feet of ~~the property boundary line of any lot in use as~~ a public or private school, grades kindergarten through 12. Distance shall be measured in accordance with 935 CMR 501.110(3). ~~in a straight line from property boundary line to property boundary line.~~~~

~~(4) No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a marijuana establishment, except as authorized by G.L. c. 94G or regulations issued by the Cannabis Control Commission, or as authorized under this Bylaw.~~

~~(5) No Marijuana Establishment shall be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van or a truck.~~

~~(6) No outside storage of marijuana, related supplies or promotional materials is permitted.~~

~~(7) All marijuana establishments shall be ventilated in such a manner that:~~

(a) pesticides, insecticides, or other chemicals or products used in cultivation or processing are not dispersed into the outside atmosphere.

(b) odor from marijuana cannot be detected by a person with a normal sense of smell

Everything, including Cultivation, must be inside a permanent building.

We're limiting the size of cultivation operations to 2,000 square feet of canopy. "Canopy" is defined in state regulations and it refers to square feet of plants. If plants are growing on shelves indoors, then the total area of the shelves is counted.

Our current bylaw says 300 feet from a school for medical marijuana and 500 feet for other marijuana establishments. We are standardizing all uses to 300 feet and adopting the state's method of measuring that distance.

This is now redundant.

We've dropped the restriction that a Marijuana Establishment can't be in a building with residential units.

~~at the exterior of the marijuana establishment or~~ at any adjoining property.

(8)(7) All marijuana establishments must negotiate a Host Community Agreement with the Williamsburg Board of Selectmen, or its designated representative.

Odor should not be detectable at an adjoining property.

F.E. Special Permit requirements.

1) A marijuana establishment shall only be allowed by Special Permit from the Zoning Board of Appeals and Site Plan Review by the Planning Board in accordance with MGL 40A, § 9 and Sections 5 and 6 of the Town of Williamsburg Zoning Bylaw subject to the following statements, regulations, requirements, conditions and limitations.

2) ~~In addition to the standards set forth herein,~~ the required site plan must meet all dimensional, parking, landscaping, and signage requirements of the Zoning Bylaw. Marijuana cultivation uses shall have a side yard and rear setback of 40 feet.

We've increased the side setback to 40 feet for cultivation uses.

3) A special permit for a marijuana establishment shall be limited to one or more of the following uses approved by the Zoning Board of Appeals:

- (a) Marijuana Cultivator,
- (b) Marijuana Product Manufacturer,
- (c) Independent Testing Laboratory (Marijuana), ~~and~~
- (d) Marijuana Transporter and Delivery Licenses
- (e) Marijuana Retailer
- (f) Medical Marijuana Treatment Center
- (g) Craft Marijuana Cooperative.
- (h) Marijuana Research Facility
- (i) Standards Laboratory
- (j) Microbusiness

Updating the list of Establishment types.

(4) ~~In addition to the application requirements set forth above,~~ a Special Permit application for a marijuana establishment shall include the following:

- a) The name and address of owner(s) of the establishment;
- b) Copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts Cannabis Control Commission and any other related Massachusetts agencies, or if a license(s) has not yet been issued, the applicant shall provide a copy of its application to the Cannabis Control Commission, excluding those portions related to the applicant's finances. If any portion of the materials submitted to the Zoning Board of Appeals and/or Planning Board contain records that are not public records as defined under G.L. c. 4, §7, cl. 26, or any other statutory provision, the non-public information shall be redacted

and shall be submitted to the Boards in a separately labeled packet clearly indicating that the contents are not public records.

c) Evidence of the applicant's right to use the site of the establishment for the establishment, such as a purchase and sale agreement, deed, owner's authorization, or lease;

d) Proposed security measures for the Marijuana Establishment, including lighting, fencing, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft. A letter from the Town of Williamsburg Police Chief, or designee, acknowledging review and approval of the marijuana establishment security plan is required. To the extent allowed by law, all such documents shall be confidential.

e) All marijuana cultivators shall submit energy use and water use plans to the Planning Board to demonstrate best practices for energy and water conservation and ensure there are no undue impacts on the natural environment. The plans shall include an electrical system overview, proposed energy demand and proposed electrical demand off-sets, ventilation system and air quality, and proposed water system use and conservation.

 Moved from above.

f) All application requirements for Site Plan Review as specified in Section 6 of the Zoning Bylaw unless waived by the Planning Board

(5) Mandatory findings:

The Zoning Board of Appeals shall not issue a Special Permit for a marijuana establishment unless it finds that:

- a) The establishment is designed to minimize any adverse impacts on abutters and other parties in interest, as defined in MGL c. 40A, § 11.
- b) The establishment demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will comply with all applicable state laws and regulations; and
- c) The applicant has satisfied all of the conditions and requirements set forth herein.
- d) A special permit and/or site plan approval authorizing the location of a Marijuana Establishment under this bylaw shall be valid only for the licensed entity to which the special permit and/or site plan approval was issued, and only for the site at which the Marijuana Establishment has been authorized by special permit and/or site plan approval.
- e) A Maximum of ~~No more than~~ two (2) ~~retail m~~ Marijuana ~~R~~etailers or ~~Medical Marijuana Treatment Centers or any combination thereof~~ shall be allowed within the Town of Williamsburg.

~~G.F.~~ Reporting Requirements

Permitted Marijuana Establishments shall file an annual report with the Planning Board

and the Board of Selectman no later than January 31<sup>st</sup> of each year, providing a copy of all current applicable state licenses for the facility and/or its owners. The Marijuana Establishment must certify that it is in compliance with all state and local regulations and bylaws currently in force. The Marijuana Establishment must identify any violations of state and local regulations and bylaws in the past year, and all measures it has taken to correct those violations and prevent recurrence.

~~The owner of a marijuana establishment shall submit an Annual Report to the Williamsburg Board of Selectmen no later than January 31<sup>st</sup> of each year, which certifies compliance with the requirements of this bylaw and M.G.L. Chapter 94G.~~

Handled in the new paragraph above.

H.G. Abandonment or discontinuance of use.

A marijuana establishment shall be required to remove all material, plants equipment and other paraphernalia within six months of ceasing operations. ~~The project proponent of a Marijuana Establishment shall provide to the Town of Williamsburg a surety bond to cover the cost of such removal in the event the Town of Williamsburg becomes responsible for such removal. The amount of surety required shall be determined by the permitting authority.~~

We are no longer requiring a bond to guaranty removal. We thought this was unnecessarily onerous.

All other applicable provisions of the Town of Williamsburg Zoning Bylaw shall also apply. If any section or portion of this Bylaw is ruled invalid by a court of competent jurisdiction, such ruling will not affect the validity of the remainder of this Bylaw.



## SECTION 18 – DEFINITIONS

**Independent Testing Laboratory:** a laboratory that is licensed by the Massachusetts Cannabis Control Commission ("Commission") and is (i) accredited to the most current International Organization for Standardization 17025, by a third party accrediting body that is signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement, or that is otherwise approved by the Commission; (ii) independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test; and (iii) qualified to test cannabis or marijuana in compliance with regulations promulgated by the Commission.

**Marijuana Cultivator:** an entity licensed by the Massachusetts Cannabis Control Commission to cultivate, process, and package marijuana, and to transfer marijuana to other marijuana establishments but not to consumers.

**Marijuana Establishment:** ~~As defined by the Massachusetts Cannabis Control Commission: a~~ Marijuana Cultivator, Craft Marijuana Cooperative, ~~Independent Testing Laboratory, Marijuana Research Facility, Standards Laboratory, Microbusiness, Transporter, Marijuana Delivery Operator~~ Marijuana Product Manufacturer, Marijuana Retailer, or any other type of licensed marijuana-related businesses, except a Medical Marijuana Treatment Center, ~~which is also referred to as a Registered Marijuana Dispensary under these Zoning Bylaws.~~


**Marijuana Product Manufacturer:** an entity licensed by the Massachusetts Cannabis Control Commission to obtain, manufacture, process, and package cannabis or marijuana products, and to transfer these products to other marijuana establishments, but not to consumers.

**Marijuana Products:** products that have been manufactured and that contain marijuana or an extract of marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils, and tinctures.

**Marijuana Retailer:** an entity licensed by the Massachusetts Cannabis Control Commission to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell, or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

**Marijuana Transporter:** an entity not otherwise licensed by the Massachusetts Cannabis Control Commission, that is licensed to purchase, obtain, and possess cannabis or marijuana products solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not to consumers.

**Medical Marijuana Treatment Center/Registered Marijuana Dispensary:** The site or sites where a not-for-profit entity, as defined under Marijuana Treatment Center in 105 CMR 725.000 of the Massachusetts Department of Public Health, as it may be revised, replaced or amended from time to time, cultivates, prepares or possesses medical marijuana and marijuana products, and where it dispenses medical marijuana and marijuana products to registered qualifying patients or their personal caregivers.



We will rely on definitions from the state Cannabis Control Commission. That way we don't have to update our bylaw every time they change something.