

Key:
Red – new language for bylaw

ZONING BYLAW AMENDMENTS OF 2024

As of March 4, 2024

Article: To see if the Town will vote to amend the Town of Shutesbury Zoning Bylaw Section 3.1-1 Use Table; Section 10.4 Associate Members; Section 9.3-2 Review Criteria; and Section 9.4-3 Amendment, or take any other action related thereto.

3.1-1 USE TABLE

Amend by creating a new category “INDUSTRIAL” and moving the following existing uses to the INDUSTRIAL Category; keeping all zone references as currently designated.

Use	RR	FC	TC	LW	Section Reference
Soil Mining	SP-P	SP-P	N	N	8.5-5
Light Industry	SP-P	SP-P	N	N	
Wireless Communications Facilities	SP-P	SP-P	SP-P	SP-P	8.7
Temporary Wind Monitoring System	P	P	P	P	

10.4 ASSOCIATE MEMBERS

Amend sections F and G as follows:

F. Pursuant to Chapter 1 of the Acts of 2024, the chairman of the Shutesbury Planning Board may designate a duly appointed associate member to sit on the board for the purposes of acting on any matter under its jurisdiction including but not limited to chapter 41, chapter 40A, or under its home rule powers in the case of absence, inability to act, conflict of interest on the part of any member of the planning board, or in the event of a vacancy on the board.

G. Associate members are expected to regularly attend Planning Board meetings. When not acting as full members, Associate Members may be seated with the Planning Board and receive communications in order to follow Planning Board business. Associate members, when not acting as full members, may participate in deliberation at the discretion of the chairperson.

9.3-2 REVIEW CRITERIA

Amend section B. Specific Findings to read:

A. General Findings

The SPGA may approve a Special Permit application only if it makes written findings that:

1. The proposed use is in harmony with the general purpose and intent of this bylaw, in particular the Rural Siting Principles in Section 8.3
2. The proposed use does not significantly increase the risk to public health, welfare and safety for the residents of the Town.
3. The benefits of the proposed use outweigh its adverse effects with respect to the Town which may include but is not limited to financial, legal, and environmental concerns.
4. The proposed use is consistent with the Shutesbury Master Plan and in particular with the goals established for Natural Resources and Open Space.

B. Specific Findings

In order to approve a Special Permit, the SPGA shall also make specific written findings that the proposed use, with or without reasonable conditions:

1. Is consistent with the purposes and requirements of the applicable land use district, overlay districts, and other specific provisions of this bylaw (including Site Plan Review requirements) and of other applicable laws and regulations.
2. Is compatible with surrounding uses, if any, and protective of the natural, historic, and scenic resources of the Town.
3. Is accessible and serviceable by fire, police, and other emergency vehicles.
4. Will not adversely affect the availability of public services and the capacity of municipal services; including creating a situation whereby the Town is responsible for services it cannot practically or financially provide.
5. Will not create excessive off-premises noise, dust, odor, or glare during construction, operation and use.
6. Will not unnecessarily damage the visual amenities of the site and is in harmony with the landscape type.
7. Will not cause traffic congestion, impair vehicular or pedestrian safety, or physically compromise existing roads, considering their current width, surfacing, and condition.
8. Will not overload or risk the integrity or function of any municipal facility or any public or private water, sewage disposal, or drainage system.
9. Will not create an unreasonable risk of fire endangering residences, municipal buildings or natural resources.
10. Will not create unreasonable risk of substantial financial or legal liability to the Town due to regular operations or malfunctions regarding the use.
11. Will not create unacceptable risk to the public health, safety and welfare of residents.
12. Will not cause significant negative environmental impacts due to flooding, wetland loss, habitat or ecosystem disturbance, groundwater disturbance, or disturbance to forested lands, including but not limited to:
 - a. Pollution of surface water or groundwater; especially affecting drinking water wells
 - b. Inadequate water supply to meet the anticipated demand of the proposed activity or use or reduction of water supply to other properties;
 - c. Destruction or damage to important wildlife habitats, wetlands, streams or lakes, or forest ecology.
 - d. Air pollution
 - e. Unnecessarily decreases agricultural or forestry use or potential land productivity

- f. Significant reduction in carbon sequestration or carbon storage capacity
- g. Erosion resulting from or caused by development.

C. Large-scale Structures

Where practical, the SPGA may require a group of smaller buildings as an alternative to a single large building.

D. Severability

Consistent with Article XII Section 12.3 of this bylaw, any provision of this section that is held invalid by a court of competent jurisdiction, shall not affect the remainder of the section.

9.4-3 AMENDMENT

Amend section to read:

“The terms and conditions of any Special Permit or Site Plan approval may be amended in the same manner as required for the issuance of the original approval. Any enlargement, alteration, or construction of accessory structures not previously approved shall require an amendment.

An amendment to a Special Permit may be exempted from an additional filing fee, a public hearing, or the re-filing of unchanged documents, if the SPGA, voting in the same manner as required for the issuance of the original approval, determines that the changes are de minimis, meaning that they are minimal or minor deviations that do not substantively alter the scope and impact of the approved Special Permit. A written request for an exemption shall be submitted to the SPGA, no less than seven business days prior to a public meeting where the exemption will be reviewed. If the SPGA finds that the proposed changes are de minimis, then the Special Permit approval shall note 1) what zoning requirements are exempted, and 2) the rationale for being de minimis.