

**Proposed Zoning Revisions 2022-Town of Charlemont**  
**Proposed Revisions shown in red or with strikethrough**  
**Public Hearing Draft - September 6, 2022**

**Section 32.3 Use Table**

RESIDENTIAL USES	VILLAGE CENTER DISTRICT (VC)	RURAL RESIDENTIAL DISTRICT (RR)	RURAL RESIDENTIAL/MARIJUANA RETAIL DISTRICT (RR/MRD)	RURAL RESIDENTIAL/ROUTE 2 DISTRICT (RR/R2D) <sup>1</sup>
Solar Installations, Residential (Accessory)	Y	Y	Y	Y

<sup>1</sup>The maximum height of Solar Installations in the Rural Residential/Route 2 District (RR/R2D) is 25 feet.

AGRICULTURAL, FORESTRY AND RECREATIONAL USES	VILLAGE CENTER DISTRICT (VC)	RURAL RESIDENTIAL DISTRICT (RR)	RURAL RESIDENTIAL/MARIJUANA RETAIL DISTRICT (RR/MRD)	RURAL RESIDENTIAL/ROUTE 2 DISTRICT (RR/R2D)
<del>Agricultural Uses including but not limited to The keeping or raising of livestock, including piggeries, large ruminants, and poultry, kept or raised consistent with best agricultural practices, male fowl on a lot less than two (2) acres<sup>5</sup> <sup>2</sup></del>	N <sup>2</sup>	<del>NY</del>	<del>NY</del>	<del>NY</del>
<del>The keeping or raising of livestock, including piggeries, large ruminants, and poultry, kept or raised consistent with best agricultural practices, on lots two (2) acres or larger</del>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
Commercial Greenhouse(s) on a lot less than <u>two (2)</u> <del>5</del> acres, not including Marijuana Cultivation	SP	SP	SP	SP
<u>Forestry and Other Agricultural Uses on a lot less than two (2) acres, not including Marijuana Cultivation</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>
Forestry and <u>Other</u> Agricultural Uses on lots <u>two (2)</u> <del>5</del> acres or <u>greater larger</u> , not including Marijuana Cultivation	SPR	Y	Y	Y
Commercial Greenhouses on lots <u>two (2)</u> <del>5</del> acres or <u>greater larger</u> , not including Marijuana Cultivation	SPR	Y	Y	Y

<u>Seasonal Farmers Market</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>
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**(Footnote for Agricultural Uses):**

<sup>2</sup>Up to twelve (12) animals consisting of hens, ducks and/or rabbits allowed by right, if in enclosures that are sited 20 feet from all property lines and not sited in the front yard of any property within the Village Center (VC) District. In addition, no male fowl in the Village Center (VC) District.

BUSINESS/COMMERCIAL USES	VILLAGE CENTER DISTRICT (VC)	RURAL RESIDENTIAL DISTRICT (RR)	RURAL RESIDENTIAL/ MARIJUANA RETAIL DISTRICT (RR/MRD)	RURAL RESIDENTIAL/ ROUTE 2 DISTRICT (RR/R2D)
Artisan Studios	<del>SPR</del>	SP	SP	SP
Solar Installations, Commercial (Accessory)	<del>SPR</del>	SP	SP	SP <sup>3,4</sup>

<sup>3</sup>The size of a Commercial Solar Installation in the Rural Residential/Route 2 District (RR/R2D) must occupy no more than 5 acres of land.

<sup>4</sup>The maximum height of Solar Installations in the Rural Residential/Route 2 District (RR/R2D) is 25 feet.

INDUSTRIAL USES	VILLAGE CENTER DISTRICT (VC)	RURAL RESIDENTIAL DISTRICT (RR)	RURAL RESIDENTIAL/ MARIJUANA RETAIL DISTRICT (RR/MRD)	RURAL RESIDENTIAL/ ROUTE 2 DISTRICT (RR/R2D)
<del>Artisan Studios (moved to Business/Commercial Uses)</del>	<del>SPR</del>	<del>SP</del>	<del>SP</del>	<del>SP</del>
Solar Installation, Industrial (Primary) <sup>5</sup>	N	SP	SP	N
Earth Removal <sup>6</sup>	N	Y	Y	Y

<sup>5</sup>Small-Scale Industrial Solar Energy Generating Facilities are allowed by-right with Site Plan Review by the Planning Board in the Solar Overlay District.

<sup>6</sup>Earth removal operations shall require an Earth Removal Permit (ERP) from the Earth Removal Committee (ERC); See Town of Charlemont General Bylaws.

## Proposed Revisions to Section 33 of the Zoning Bylaws

Proposed revisions shown in **red**

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### **Section 33 Dimensional Requirements**

A structure shall be erected or used, and a lot shall be used or changed in size or shape, only in conformity with the following requirements:

#### **Section 33.1 Dimensional Schedule**

Districts	Minimum Lot Area in sq. ft.	Minimum Lot Frontage in feet <sup>3</sup>	Yard Dimensions <sup>2</sup>			Maximum Height in feet	Maximum Lot Coverage
			Front <b>Setback</b> in Feet <sup>3</sup>	Side <b>Setback</b> in Feet	Rear <b>Setback</b> in Feet		
Village Center (VC)	5,000	50	10 <sup>3</sup>	10	10	32	80%
Rural Residential (RR)	45,000 <sup>1</sup>	150	50 <sup>4</sup>	25	25	32	35%

1 The required lot area for any multi-family dwelling shall be increased for each dwelling unit in excess of two by 20,000 sq. ft. in the RR District only.

2 Set back areas in front, rear and side yards may not be rendered impervious.

3 The Planning Board may by special permit reduce the required front yard in the VC district to a distance not less than the front yard of an existing abutting structure located within 100 feet of the common property line if the lot size or topography is such that a hardship would result from enforcement of the front yard requirements.

4 The required front yard shall be 75 feet for a lot with the front lot line on the Mohawk Trail.

**33.2 Back Lot Development.** A lot ~~recorded or registered prior to the adoption of these Bylaws and which has no contiguous land in common ownership~~ may be divided into two lots even though one of the lots does not meet the minimum frontage requirement, provided that the following conditions are met:

- a) One lot shall meet all of the dimensional requirements of Section 33.
- b) The other lot shall have (1) a minimum of ~~20~~ **forty (40)** feet of frontage **in the Rural Residential** Districts **(RR,RR/MRD, RR/R2D)** and ~~twenty-five (25)~~ **twenty-five (25)** feet of frontage **in the Village Center (VC)** District; (2) a connecting strip from the street to the lot which ~~shall have~~ **has** a minimum width of ~~forty (40)~~ **20** feet **in the Rural Residential Districts (RR,RR/MRD, RR/R2D)** and ~~twenty-five (25)~~ **twenty-five (25)** feet **in the Village Center (VC) District**; (3) width where the principal building is to be erected at least equal to the normal required lot frontage; and (4) lot area, exclusive of the connecting strip, at least equal to the normally required lot area.

**Add the following definitions to Article V-Definitions Section:  
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**Agriculture at Uses:** Defined by M.G.L. Chapter 128, Section 1A

**Commercial Greenhouse-**A greenhouse that grows crops that will be primarily sold for commercial consumption.

**Farm Stand** – Premises for which the principal use is the seasonal sale of produce and dairy products grown or prepared by the owner of the premises for consumption off the premises.

**Livestock:** Domesticated animals raised in an agricultural setting to produce labor and commodities such as meat, eggs, milk, fur, leather and wool.

**Poultry:** domestic fowl, such as chickens, turkeys, ducks, and geese.

**Ruminants:** Any of various even-toed hoofed mammals of the suborder Ruminantia. Ruminants usually have a stomach divided into four compartments (called the rumen, reticulum, omasum, and abomasum), and chew a cud consisting of regurgitated, partially digested food. Ruminants include cattle, bison, buffalo, sheep, goats, deer, giraffes, antelopes, and camels.

**Seasonal Farmers Market:** Premises for which the principal use is the seasonal sale of produce and dairy products grown or prepared by farmers in Charlemont and other towns for consumption off the premises.

**Revise Article V-Definitions Section as follows:**

**Small-Scale Industrial Solar Energy Generating Facility-**A solar electric system designed for industrial/commercial use occupying a **maximum** area of ~~up to~~ 15 acres.

**Solar Installation, Commercial (Accessory)** – A ground-mounted solar electric installation that is constructed at a location where commercial uses of the underlying property occur and that is accessory to the main or principal commercial use of the lot **occupying a maximum area of 10 acres.**

**Solar Installation, Industrial (Principal)** - A ground-mounted solar electric installation that is constructed primarily for the purposes of generating electrical power for sale or use that is not incidental to another allowed use in the district **occupying a maximum area of 10 acres.**

Solar Installation, Residential (Accessory) - A ground-mounted solar electric installation that is constructed at a location where residential uses of the underlying property occur and that is an accessory to the main or principal residential use of the lot. The size of a residential solar array is limited to a maximum of 1,000 square feet of land area occupied. ~~two (2) times the historical annual kw usage for the residence which it is meant to serve.~~

## Proposed Revisions to Section 21 of the Zoning Bylaws

### Amend Section 21 Enforcement as follows:

21.2 Penalty. Any person violating any of the provisions of this By-law may be fined ~~not more than Fifty Dollars (\$50) for each offense. Each day that such violation continues shall constitute a separate offense.~~ Each day on which a violation exists shall be deemed a separate offence. The penalty for violation of any provision of this by-law shall be \$100.00 (or warning) for the first offence, \$300.00 for the second offence and \$300.00 for the third and each subsequent offence.