

Proposed Revisions to Buckland Zoning Bylaw for Public Hearing on March 29, 2017

Draft as of 3/15/17

Please refer to Zoning Bylaws, Town of Buckland, available on Town website under Planning Board

I. Common driveways

Background information: Right now, our shared driveway provision is only applicable to subdivisions. The Planning Board is proposing to add a stand-alone shared driveway provision for other situations, which in some cases can minimize the impact on open space and reduce the need for additional pavement and/or stream crossings in environmentally sensitive areas.

Proposed language:

- A. In Section II, Definitions, add a definition for “Common Driveway” that says, “A common driveway is a driveway that begins at a public way and provides access to one or more building lots. Common driveways for any types of lots should meet the criteria of the common driveway provisions in the Buckland Subdivision Regulations, Section IX, and require a Special Permit through the Planning Board.”
- B. In Section 6-1(e), remove the word “back” in the second sentence so that it reads, “A common driveway serving up to and no more than four ~~back~~ lots shall conform to the following requirements and standards.”

II. Chickens

Background information:

The Table of Use Regulations (Section 4-3(b)) of the Buckland Zoning Bylaw lists “livestock farming on a lot less than 5 acres” as needing a special permit in all zoning districts. Currently, anyone wanting to keep chickens on their property of less than 5 acres has to pay for a public notice, go through the special permitting process with the ZBA, and submit the special permit to the Registry of Deeds so that it is on record. This is a time-consuming process that costs ~\$100+, and seems to discourage people from raising their own food in an agricultural community like Buckland. Shelburne allows livestock farming on lots less than 5 acres in the rural agriculture district. Somerville, the most densely populated community in the state, has an urban agricultural accessory use category and allows for 6 hens by right on a lot.

The Buckland Planning Board is contemplating allowing by right the keeping of up to 8 chicken hens on lots smaller than five acres, with restrictions. The Planning Board picked 8 hens because that is the minimum number of chicks people can order through local outlets such as the Greenfield Farmers Co-op.

Proposed language

Section 4-3(b) Table of Use regulations: Add a category called “Chicken farming on a lot less than 5 acres (see Section 4-6 for restrictions).” Zoning categories village residential and rural residential would then have a “Y” for yes in the use table. Non-residential zones would say “N” for no.

Add a Section 4-6: CHICKEN FARMING.

Chicken farming restrictions for lots less than 5 acres. The following performance standards apply:

1. Chicken farming is subject to all applicable rules and regulations established by the Buckland Board of Health.
2. Bird species shall be restricted to the common domestic chicken (*Gallus gallus domesticus*), specifically hens.
3. Roosters are prohibited without a special permit.
4. Ownership, care, and control are the responsibility of a resident on the lot.
5. A maximum of eight (8) hens may be kept on a lot without a special permit.
6. Housing of hens are not permitted within 20 feet of any lot line.

III. Cell tower balloon test

Background:

Section 10-15.4 requires that the applicant fly a 3-foot diameter balloon at the proposed cell tower site and maximum height of the proposed installation. The current language says that this to happen within 30 days of the pre-application conference OR within 21 days of filing the Special Permit Application. We are proposing to change the requirement that the applicant fly the balloon within 30 days before a public hearing is scheduled.

Proposed language:

The beginning of Section 10-15.4(h) should be revised to read as follows: “Within thirty (30) days ~~of prior to the pre-application conference, or within 21 days of filing an application for a Special Permit public hearing~~, the applicant shall arrange to fly a three (3) foot diameter brightly colored and clearly visible balloon at the proposed” A new sentence shall be added to the end of this paragraph: “The balloon shall be raised in place on a weekend day between sunrise and sunset, and will be subject to repeat if visibility or weather conditions require.”

IV. Wind turbine balloon or crane test

Background:

Section 13-7(a) requires that the applicant arrange for a balloon or crane test at the proposed wind turbine site and maximum height of the proposed installation. The current language says that this is to happen within 21 days after filing an application. We are proposing to change the requirement that the

applicant fly the balloon within 30 days before a public hearing is scheduled, to be consistent with our requirements for cell towers as described above.

Proposed language:

Section 13-7(a) should be revised to read as follows: “Within ~~twenty (sic) (21) days after filing of an application~~ thirty (30) days prior to the public hearing to construct a Small or Very Small Wind Energy Facility, the applicant shall arrange for a balloon or crane test at the proposed site to illustrate the height of the proposed Small or Very Small Wind Energy Facility if taller than 80 feet. “

V. Housekeeping items

Table of Use Regulations 4-3. The following changes are recommended to improve clarity.

- Under (a) SPR should be added as a code and defined as, “SPR = The Use is allowed in that zoning district only if a site plan review has been conducted under the approval of the Planning Board. See Section 12.”
- Under (b) Community Services, “Wireless Communication Facility” should also say “(see Section X).
- Under (b) Business Uses, “Home Based Business,” should add, “(See Section 4-4 for performance standards).”
- Under (b) Industrial Uses, the codes for **both** Large-Scale Ground-Mounted Solar categories should be changed from “SPP” (Special Permit Planning Board) to “SPP and SPR” (Special Permit Planning Board and Site Plan Review) in rural residential, commercial, industrial, and historic industrial zoning districts.
- Under (b) Industrial Uses, the code for Very Small and Small Wind Energy Facilities (see Section XIII) categories should be changed from “SPP” (Special Permit Planning Board) to “SPP and SPR” (Special Permit Planning Board and Site Plan Review) in rural residential, commercial, industrial, and historic industrial zoning districts.
- Footnote 3 should be deleted because it is redundant.

Section XII; Site Plan Review. Changes are recommended by the Planning Board in order to clarify that there are several types of projects that get site plan review, not just cluster developments.

- Switch the order to (b) and (c).
- Section (c) Applicability will be changed to (b) and will be changed to read as follows:
“Site Plan Review shall be required for the following types of projects:
 - Cluster Developments (see Section 6-2)
 - Ground-Mounted Solar Electric Generating Facilities occupying 1,000 square feet or less
 - Large-scale Ground-mounted Solar Electric Generating Facilities (see also Section XIV)
 - Small and Very Small Wind Energy Facilities (except for roof-mounted small or very small wind energy facilities, which are allowed by-right, pursuant to Section IV Use Regulations, footnote 4).”

Site Plan Review may be required for Cluster Developments for Commercial Uses (see Section 6-3)

- Change the last sentence in (d) Procedures as follows: “The applicant is also responsible for obtaining all applicable permits or approvals that may be required for the Cluster Development project from other Town Boards or municipal officials.”
- Change (f) at the end of the intro paragraph to include, “(note: specific items may be waivable on request of the Planning Board).”
- Change (j)(7) to read as follows: “Adequacy of landscaping and other screening to minimize the visual impact of the Cluster Development project from public ways or abutting properties; and.”

Section XIII Wind. Section 13 covers small wind energy facilities. We wish to clarify that wind facilities are subject to a special permit and a site plan review.

Change section 13-4 to read as follows: “Small or Very Small Wind Energy Facilities may only be installed as an accessory use to a residential or non-residential use. No Small or Very Small Wind Energy Facility shall be erected, constructed, or installed without first obtaining a special permit from the Planning Board (SPP – see Section IX, Special Permits) and are also subject to Site Plan Review (SPR – see Section XII, Site Plan Review). Physical modifications to an existing Small or Very Small Wind Energy Facility that materially alter its type, number, location, height, or configuration shall also require a special permit from the Planning Board (see Section IX).”

Section XIV Solar. Section 14 covers requirements for large-scale ground mounted solar installations. In the last year, the Planning Board has undergone review of several small-scale ground mounted solar installations, and we have come to understand that the language in the bylaw is confusing. We recommend the following revisions in attempt to reduce confusion.

- Move 14-2(c) to the third paragraph under 14-1, Purpose. Make certain text bold and add the parenthetical phrase, “(see Section 12)” after “Site Plan Review,” so that it begins as follows: “**Small-scale (occupying 1,000 square feet or less) ground-mounted solar electric generating installations** which are an accessory structure to a residential or nonresidential use do not need to comply with this section, but **are subject to Site Plan Review (see Section XII)**, require a building permit...”
- Section 14-2(a) shall be revised to say, “Large-scale Ground-mounted Solar Electric Generating Installations shall require a Special Permit (see section IX) and Site Plan Review (see section XII) in accordance with...”
- Section 14-5 Site Plan Review, first paragraph should be revised to say, “~~Large-Scale All~~ Ground-Mounted Solar Electric Installations shall undergo Site Plan Review (see Section XII) by the Planning Board prior to construction, installation, or modification as provided in this section.”

Questions or comments on these proposed changes can be submitted to the Planning Board by dropping off comments at the town hall or by emailing John Gould, chair, at heyumyturn@yahoo.com .
--