

Article x: Amendment to the Code of the Town of Bolton, Division I, Part III. Zoning Bylaw, Chapter 250. Zoning, Article V. Special Regulations – to Add New Section 250-23.x. Cottage overlay district

To see if the Town will vote to amend the Code of the Town of Bolton, Division I, Part III. Zoning Bylaw, Article V. Special Regulations, by inserting new Section 250-23.x. Cottage overlay district, as follows (deletions in *parenthesis and italics*) and additions underlined;

§250-23.x. Cottage overlay district.

A. Purpose.

The purposes of the Cottage Overlay District are among the following: to provide diversity of use within the Town of Bolton and in so doing, work to alleviate the current tax burden assumed by tax payers in the Town of Bolton; to provide diversity of housing stock within the Town of Bolton; to provide so called “Active Adult” alternative housing stock to cater to a maturing population; and, to promote flexibility with respect to land-use planning in order to optimize site layouts, protect natural features and environmental values, and utilize land harmoniously with neighboring properties.

B. Applicability.

The Planning Board, acting as Special Permit Granting Authority, may grant a special permit for construction of a cottage development in the Cottage Overlay District.

C. Location

The Cottage Overlay District shall apply to parcels that are 10 acres or greater in the Residential District.

D. Definitions

55 and Over Dwelling Unit – A dwelling unit subject to an age restriction described in a deed, deed rider, restrictive covenant, or other document that shall be recorded at the Registry of Deeds or the Land Court. Developments with 55 and over dwelling units shall be operated in a manner so as to comply with all requirements set forth for 55 or over communities in the Federal Fair Housing Act of 1988 and under MGL c. 151B, Section 4. The age restriction shall limit the dwelling units to occupancy by individuals of age 55 or older and the following:

- (1) A spouse under the age of 55;
- (2) A spouse who survives the qualifying owner/occupant;
- (3) A spouse where the qualifying owner/occupant has entered into a long-term care facility;
- (4) A mentally or physically handicapped child, brother or sister of a qualifying owner/occupant or spouse who is dependent upon said occupant or spouse for daily care;
- (5) A paid caregiver providing medical or health care to a qualified owner/occupant or spouse.

Children under the age of 18 may not reside in a dwelling unit for more than six (6) months in any nine (9) month period. In the event of the death of the qualifying owner/occupant(s) of a unit, or foreclosure or other involuntary transfer of a unit, a two-year exemption shall be allowed for the transfer of the unit to another eligible household.

Affordable Housing Unit - A dwelling unit available at a cost of no more than 30% of gross household income of households at or below 80% of the Metropolitan Statistical Area (MSA) which includes the Town of Bolton (the Bolton MSA) median income as reported by the U.S. Department of Housing and Urban Development, including units listed under MGL c.40B, Sections 20 through 23 and the Commonwealth's Local Initiative Program.

E. Standards.

The following standards shall apply in the Cottage Overlay District:

- (1) Applicant qualifications. The applicant for a special permit for a cottage development shall be the owner of the tract proposed for such development or be authorized in writing by the owner to apply for and be issued such special permit, and shall establish to the satisfaction of the Planning Board that the applicant has knowledge, experience and financial resources sufficient to construct and complete the development.
- (2) Community, building, and dwelling requirements. The following requirements shall apply to all buildings and all dwellings within the Cottage Overlay District:
 - (a) The maximum permissible dwelling unit count of any Cottage Overlay District development shall be calculated based on first determining the number of dwelling units which would otherwise be permissible under a residential subdivision design according to the rules and regulations of the Town of Bolton. A Cottage Overlay District development shall permit an increase to the same by a factor of two (2) relative to the proportion of the development not restricted to persons aged 55 years or older, and by a factor of four (4) relative to the proportion of the development restricted to persons aged 55 years or older.
 - (b) Not less than two thirds of the dwelling units in any Cottage Overlay District development shall be deed restricted in perpetuity as to persons aged 55 years or older. Consistently, not more than one third of the dwelling units in any Cottage Overlay District development shall be free from deed restriction as to age of owners/residents.
 - (c) By means of example, if the regulations of the Town of Bolton indicate that a particular site could accommodate 10 units in a non-Cottage Overlay District development, and the applicant proposed a Cottage Overlay District development which proposal called for 50% of the aforementioned 10 units to be multiplied by the 55+ age restriction factor (e.g. 4x, per this paragraph); as a result, the 50% balance of the aforementioned 10 units to be multiplied by the non-55+ age restriction factor (e.g. 2x, per this paragraph) the Cottage Overlay District development used in this example would accommodate no more than 30 units in total. Further to this example, two-thirds (20 units) of this 30-unit Cottage Overlay District development example would be 55+ age restricted, and one-third (10 units) would be non-55+ age restricted. In any event, where the calculation is in doubt or dispute, the determination of the Planning Board shall be conclusive for all purposes.

- (d) Dwelling units may be attached to other units, or detached as single units, or a combination of these types. Dwelling units shall be configured as one- or two-bedroom houses. No dwelling unit shall exceed 2,400 square feet of living space.
 - (e) Interrelationship of buildings. The proposed buildings shall be related harmoniously to each other with adequate light, air, circulation, privacy and separation between buildings. Buildings shall comply with a minimum setback of twenty (20) feet from each other and all other structures in the development. Offsets to property lines shall be 50 feet or as approved by the Planning Board.
 - (f) There shall be a cap as to the maximum number of residential dwelling units developed in the Town of Bolton pursuant to this Cottage Overlay District bylaw. The cap shall be 100 units.
 - (g) Americans with Disabilities Act (ADA) compliant units. A minimum of 10% of all dwelling units shall be ADA compliant including the access and parking area for these units.
- (3) Affordable Housing Units. All Cottage Overlay District developments shall be subject to the following calculation as to the minimum number of units required to be deed restricted in perpetuity as to affordability. For purposes of this bylaw, affordable units must be created on-site; fee-in-lieu-of the creation or provision of units shall not be permitted.
- a. Relative to the number of the units within the Cottage Overlay District development in question which are not restricted to persons aged 55 years or older (see Section 2.c above for the calculation method as to the same), a minimum of ten percent (10%) of the same shall be owner-occupied by households earning 80% or less than the median income relative to the Metropolitan Statistical Area (MSA) which includes the Town of Bolton (the Bolton MSA) as reported by the U.S. Department of Housing and Urban Development.
 - b. Relative to the proportion of the units within the development which are restricted to persons aged 55 years or older, there shall be no requirement as to an affordable-housing provision.
 - c. In the example used in Section 2.c above, 10% of the ten (10) non-55+ age restricted units would be required to be deed restricted in perpetuity as to affordability.
 - d. Where the calculation of so-called “Affordable Housing Units” which is the substance of this section is in doubt or dispute, the determination of the Planning Board shall be conclusive for all purposes.
- (a) Exterior design: The exterior of Affordable Housing Units shall be designed to be indistinguishable from the market-rate units; however it is recognized that the Affordable Housing Units may be smaller and/or may have inferior features or

interior finishes than that of market-rate units. Any Affordable Housing Units shall be integrated into the Cottage Overlay District development.

- (b) Long-term availability: The Planning Board, as a condition of a special permit, shall impose appropriate limitations and safeguards to insure the continued availability of the Affordable Housing Units in perpetuity. Such limitations and safeguards may be in the form of deed restrictions, resale monitoring, requirements for income verification of purchasers and/or tenants, rent level controls and/or other methods as the Planning Board may direct.
- (4) Accessory buildings and structures. In a Cottage Overlay District development accessory buildings and structures for the benefit of the entire project may be permitted, including a community clubhouse, swimming pool, tennis court, cabanas, storage and maintenance structures, garages, and other customary accessory structures. Accessory buildings and structures shall be shown on the site plan and shall in any event their designs and sizes shall be reviewed by the Planning Board so as to determine cohesion in the judgment of the Planning Board with respect to the proposed site plan and greater neighborhood within the Town of Bolton.
- (5) Parking. Two (2) parking spaces shall be provided for each dwelling unit (with the exception of one-bedroom units, which shall require one (1) parking space per unit), in reasonable proximity to the dwelling, or in garages. One (1) guest parking space shall be provided for every four (4) dwelling units in reasonable proximity to said units. Additional parking in proximity to any clubhouse or other facility serving residents in common, or guest parking, shall be provided in off-street parking areas, provided that no single accessory parking area shall contain more than six (6) parking spaces, and all such areas shall be adequately landscaped. Refer to the Town of Bolton Parking Bylaw requirements.
- (6) Private roads. Roads and driveways within a Cottage Overlay District development shall meet such width, grades, radius of curvature and construction standards as the Planning Board shall determine, based upon the standards provided in the regulations governing subdivisions, as the same may be waived or modified by the Planning Board to meet site conditions and design requirements.
- (7) Other facilities. All facilities for utility services, drainage, lighting and signage shall be in accordance with requirements established by the Planning Board, consistent with applicable provisions of the Zoning Bylaw and the regulations governing subdivisions, as the same may be waived or modified by the Planning Board to meet site conditions and design requirements.
- (8) Project maintenance. In every Cottage Overlay District development there shall be an organization of the owners of the dwelling units which shall be responsible for the maintenance and repair of internal roads and driveways, snow plowing, landscape maintenance, trash removal, utility services and maintenance and repair of other common elements and facilities serving the residents, and the Town of Bolton shall not be responsible therefor.

- (9) Wastewater disposal. In every development wastewater disposal shall comply with the regulations of the Board of Health and applicable Department of Environmental Protection regulations.

F. Open space.

At least 33% of the upland area of the parcel shall remain open space selected to maximize the value of wildlife habitat and preserve large blocks of undisturbed land. Septic systems, drinking wells, stormwater management systems, and their appurtenances may be located within the open space.

- (1) Ownership of open space. The open space shall be owned in common by the owners of the dwelling units in the Cottage Overlay District development, or by an organization or entity owned and controlled by such dwelling unit owners, or can be offered to the Town, or another non-profit organization whose principal purpose is the preservation of open space, for conservation purposes. An enforceable restriction shall be recorded on all open space parcels not owned by the Town providing that such land shall be kept in an open or natural state.
- a. In cases where the open space is not owned by the owners of the dwelling units in the Cottage Overlay District development, all utilities located within the open space shall remain under the common ownership and care of the dwelling unit owners. Utility easements shall be provided within the open space and shown on the approved site plans.

G. Design criteria.

Design review criteria, pursuant to Section 250-23G, is to be instrumental in the Planning Board's consideration of any Cottage Overlay District development. All buildings in any Cottage Overlay District development shall be designed (a) to have compatibility of style, building materials and colors with those in Bolton, (b) to afford variations of facade and roof lines, and interior layouts of dwelling units, (c) to consider housing intended for persons aged fifty-five (55) years or older. The Planning Board shall involve the Design Review Board to review the architectural details and styling of the development in question including its review of the development's buildings including attached design/detached design/combo thereof, layout of the development, setbacks as between buildings and parking areas, and disbursement and clustering of buildings within the development, as well as units' layouts and their designs and finishes, and detailed lighting, sidewalk, and landscaping plans (tree-lined streets are recommended), all prior to approval of a Cottage Overlay District development.

H. Procedures.

The procedure for issuance of a special permit under the -Cottage Overlay District shall be as follows:

- (1) Application for special permit. Any person who pursues a special permit for a Cottage Overlay District development shall submit a written application to the Planning Board. Each such application shall be accompanied by the following information:

- (a) Identification of applicant; information as to the record title to the tract; identification of applicant's professional and development associates.
- (b) A preliminary subdivision plan showing the development of the tract under the provisions of the Zoning Bylaw without regard to this section, for the purposes of determining density. Such plan shall generally conform to provisions described in the Rules and Regulations Governing the Subdivision of Land for a preliminary plan. Drainage design and calculations are not necessary. Such plan shall be accompanied by a report from a Certified Soil Evaluator, with confirmation that the results have been approved by the Board of Health, stating which lots on said plan contain soil conditions suitable for sub-surface sewerage disposal in accordance with rules and regulations of the Town of Bolton and applicable laws of the Commonwealth of Massachusetts. Soil testing witnessed by the Board of Health or its agent is required. The preliminary plan shall also contain the boundaries of all wetland resource areas as defined in the Code of the Town of Bolton, Chapter 233 Wetlands.
- (c) A Site Plan showing, insofar as pertinent, all of the information required for a definitive subdivision plan, as specified in the Town of Bolton, Subdivision Rules and Regulations, as amended, and showing the following additional information: existing and conceptually proposed locations of buildings containing dwellings and other buildings; lighting; signs; the proposed use of the common land including improvements intended to be constructed thereon; the proposed ownership of all common land; and any other information required by the Planning Board.
- (d) A schedule of the stages or phases of development including a specific timeline for the development, which the applicant proposes to employ in the construction of the Cottage Overlay District development in question.
- (e) Sample floor plans of all dwelling types including a key showing the locations of each of the proposed types; elevation drawings or models of dwellings; schedule of building materials. See Design Review Board application requirements for drawing requirement details.
- (f) Plans showing proposed methods of stormwater management, including drainage calculations in accordance with the MassDEP Stormwater Handbook.
- (g) Plans showing proposed wastewater disposal facilities.
- (h) Sample copies of the condominium association or other legal structure formed for the operation, maintenance, management and enforcement of this development, including a master deed and bylaws of the organization. All such documentation shall include a reference to the objectives of the Cottage Overlay District development.
- (i) Affordable Dwelling Unit marketing program including anticipated:
 - [1] Income range (using ranges established by the appropriate state or federal agencies as acceptable to the Planning Board) of family households or single individual residing in each low income dwelling unit.

[2] Methods for attracting residents of diverse income and ethnic backgrounds.

[3] Pre- and post-construction management methods concerning the maintenance of the Affordable Dwelling Units including supporting documents and contracts.

[4] Proposed methods of ensuring long-term availability for the Affordable Dwelling Units, including supporting documents and restrictions.

- (2) Reports from town boards or agencies. The Planning Board shall transmit forthwith a copy of the application and plan(s) to the Board of Selectmen, Board of Health, Conservation Commission, Department of Public Works, Building Inspector, Fire Department, and Police Department. Failure of any such board or agency to make a written recommendation or submit a written report within 35 days of receipt of the application shall be deemed a lack of opposition. Instrumental in the Planning Board's adjudication of the Cottage Overlay District development in question will be input from the Town of Bolton's Design Review Board who shall review the applicant's proposal, as previously described throughout this bylaw.

I. Planning Board action.

- (1) The Planning Board shall not grant a special permit for a Cottage Overlay District development unless it shall find that:
- (a) The development complies with the purposes of the Cottage Overlay District bylaw as stated herein.
 - (b) Adequate and appropriate facilities will be provided for the proper operation of the Cottage Overlay District development.
 - (c) The Cottage Overlay District development's use would not be detrimental or offensive to the adjoining zoning districts and neighboring properties due to the effects of design, lighting, odors, smoke, noise, sewage, refuse materials or other visual nuisances which are the effect of the proposed development.
 - (d) The proposed Cottage Overlay District development's plan would not cause undue traffic congestion in the immediate area.
 - (e) The Cottage Overlay District development responds adequately in the opinion of the Planning Board to the recommendations of town boards and agencies including the Design Review Board.
- (2) Special permit conditions. In order to implement a special permit for a Cottage Overlay District development and to assure compliance therewith, the Planning Board may set forth further requirements and conditions as the Board shall deem appropriate to accomplish the purposes of this Bylaw including:

- (a) The applicant shall have submitted to the Planning Board detailed plans showing the locations, designs and layouts of such buildings and all infrastructure and landscaping and all driveways and accessory structures included in such stage or phase.
 - (b) The applicant shall have provided security by covenant, bond or other means satisfactory to the Planning Board securing the construction and installation of driveways, utilities, drainage and related services in such phase.
 - (c) The Planning Board shall have determined that the detailed plans are in substantial conformity with the conceptual plans approved in the special permit.
- (3) The Planning Board shall have so notified the Building Inspector of its review and approval of each phase.

J. Hiring a consultant.

The Planning Board may use provisions of MGL c.44, §53G to hire consultants to assist the Planning board in review of a Cottage Overlay District development. The Planning Board may employ such consultants to regularly inspect and oversee the development of the project following the issuance of the special permit. Associated consultancy costs shall be borne by the applicant of the Cottage Overlay District development in question.

I. Rules and regulations.

The Planning Board may adopt, and from time to time amend, rules and regulations consistent with the provisions of this Zoning Bylaw, G.L. c. 40A, and other applicable provisions of the General Laws, and shall file a copy of said rules and regulations with the Town Clerk.

and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of Bolton; or take any other action relating thereto.

Sponsor: Planning Board

Summary: The proposed Cottage Overlay District bylaw shall serve to encourage housing diversity within the Town of Bolton by allowing higher density developments on parcels of land that are 10 acres or more within the Residential District. The overlay also contains provisions to provide affordable housing (below market rate). The anticipated results include the proliferation of housing which would contribute to the Town of Bolton's tax revenue while not adding to the financial burdens of the Town of Bolton's school system.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: 2/3 Majority

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| Article x: Amendment to the Code of the Town of Bolton, Division I, Part III. Zoning Bylaw, Chapter 250. Zoning, Article III. Zoning District Regulations – to Amend Section 250-13.B. Dimensional schedule |
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To see if the Town will vote to amend the Code of the Town of Bolton, Division I, Part III. Zoning Bylaw, Article III. Zoning District Regulations, by amending Section 250-13.B. Dimensional schedule, as follows (deletions in *parenthesis and italics*) and additions underlined;

§ 250-13. Dimensional regulations.

A. General. No structure shall be erected or extended, or lot created or reduced in size, except through a public taking, unless in conformity with the requirements of this section, or unless specifically exempted by statute or this bylaw.

B. Dimensional schedule.

| | Residential Lot | Backland Lot (Residential) *** | (Other Uses (business, industrial or commercial)) | Limited Business District | Business District | Industrial District | Limited Recreation Business District |
|--|--------------------|--------------------------------|---|---|---|--|--------------------------------------|
| Minimum lot area** | 80,000 square feet | 4.5 acres | (1.5 acres) | <u>1.5 acres</u> | <u>1.5 acres</u> | <u>1.5 acres</u> | <u>See Section 250-16</u> |
| Minimum lot frontage** | 200 feet | 50 feet | (200 feet) | <u>200 feet</u> | <u>200 feet</u> | <u>200 feet</u> | <u>See Section 250-16</u> |
| Minimum depth: | | | | | | | |
| Front yard** | 50 feet | 50 feet | (150 feet) | <u>50 feet</u> | <u>50 feet</u> | <u>150 feet</u> | <u>See Section 250-16</u> |
| Other yards** | 20 feet | 50 feet | (50 feet) | <u>25 feet or 50 feet if abutting residential</u> | <u>25 feet or 50 feet if abutting residential</u> | <u>50 feet or 100 feet if abutting residential</u> | <u>See Section 250-16</u> |
| Minimum lot width for 100 feet back from street line | 150 feet | See Subsection E(2) | (150 feet) | <u>150 feet</u> | <u>150 feet</u> | <u>150 feet</u> | <u>See Section 250-16</u> |
| Maximum lot coverage** | N/A | N/A | (See Notes A and B) | <u>20%</u> | <u>20%</u> | <u>30%</u> | <u>See Section 250-16</u> |
| <u>Open Space</u> | <u>N/A</u> | <u>N/A</u> | | <u>N/A</u> | <u>N/A</u> | <u>See Note C</u> | <u>See Section 250-16</u> |

NOTES:

** See definition

*** Refer to Subsection E

Note A. (*Maximum lot coverage shall be 8%, and*) (t)The sum of all impermeable surfaces and other areas subjected to vehicle traffic or parking on a regular basis shall not exceed 50% of the total lot area within the zone of proposed use.

Note B. The definition of "lot area" set forth in § 250-28, Definitions, shall apply, except that, in Limited Business Zones only, when a landowner has donated to the Town an easement in, or the Town has taken or purchased an easement in, any portion of a tract of land and said easement has been accepted by the Town for the relocation of an already existing public way, said portion of the tract of land shall be included in the calculation of the lot area of the tract for purposes of this bylaw, subject to the following requirements: the easement area is no greater than 5% of the size of the tract; the tract remains the same dimensionally, and is not subdivided, divided, altered, or changed in any way; the boundary lines of said easement shall be considered lot lines for purposes of any setback measurements so that the easement area is not included in any calculations of setback requirements; and any use or structure complies with all other requirements of this bylaw.

Note C. Open space in the Industrial District Zone shall incorporate 33% of a parcel's lot area and must be restricted with a conservation restriction. No more than 25% of the minimum amount of restricted land can be a wetland resource area as defined in the Wetlands Bylaw, Chapter 233, Wetlands, § 233-2, or in a Floodplain District, as defined in § 250-22.

and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of Bolton; or take any other action relating thereto.

Sponsor: Planning Board

Summary: The Planning Board recommends modifying Bolton's Dimensional Schedule to better define lot coverage and offset requirements for the Limited Business, Business and Industrial Districts. The current Dimensional Schedule lumps all other uses not defined as residential into one column providing a single requirement. Bolton currently allows up to 8% lot coverage. The Board is seeking to modify this requirement to allow 20% lot coverage in the Limited Business and Business Districts and 30% in the Industrial District. The Industrial District would also be required to maintain 33% open space. Offsets to property lines in the Limited Business and Business Districts would be reduced from 50 feet to 25 feet if the property does not abut a residential use. The offset to property lines in the Industrial District would remain 50 feet or increase to 100 feet if the property does abut a residential use. The Board's intention is to incentivize and provide flexibility to applicants seeking to build in the Limited Business, Business and Industrial Districts. It also provides flexibility to current business owners seeking to expand their floor area. The overriding motive for the Board is to provide alternative ways to promote revenue within the Town without negatively changing the landscape of the community.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: 2/3 Majority

Article 1: Amendment to the Code of the Town of Bolton to Amend Division I, Part III Zoning Bylaw, Chapter 250 Zoning, Article V Special Regulations, Section 250-23.2 Mixed Use Village Overlay District, Subsection G(2)

To see if the Town will vote to amend the Code of the Town of Bolton, Division I, Part III Zoning Bylaw, Chapter 250 Zoning, Article V Special Regulations, Section 250-23.2 Mixed Use Village Overlay District, Subsection G(2) as follows (deletions in (parenthesis and italics) and additions are underlined);

§250-23.2. Mixed Use Village Overlay District

G. Authority.

- (2) The Planning Board, by grant of a special permit, may authorize projects that:
- (a) Allow for mixed use development;
 - (b) Decrease the required parking;
 - (c) Increase the percent of impervious surface through a Transfer of Development Right (TDR) process;
 - (d) Decrease the required front or other setbacks;
 - (e) Allow for multiple buildings on one lot; (*and/or*)
 - (f) Allow for increased building footprint within the Mixed Use Village Overlay District up to maximum lot coverage of *(10)*25%; and/or
 - (g) Increase the building density for residential use to a maximum of ten housing units per acre.

and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of Bolton; or take any other action relating thereto.

Sponsor: Planning Board

Summary: The Planning Board recommends increasing the lot coverage requirement in the Mixed Use Village Overlay District from 10% to 25% to incentivize and provide flexibility to applicants seeking to build in the overlay. The Mixed Use Village Overlay District Bylaw requires applicants to construct a balance of commercial and residential building floor area while also incorporating private sewer and water. To help offset the cost of private sewer and water, the applicant would be able to increase lot coverage and potentially revenue to the Town.

Board of Selectmen Recommendation:

Advisory Committee Recommendation:

Vote Required: 2/3 Majority

Article x: Amendment to the Code of the Town of Bolton, Division I, Part III. Zoning Bylaw, Chapter 250. Zoning, Article IV. General Regulations – to Amend Section 250-17. Driveways and parking

To see if the Town will vote to amend the Code of the Town of Bolton, Division I, Part III. Zoning Bylaw, Article IV. General Regulations, by amending Section 250-17. Driveways and parking, as follows (deletions in *(parenthesis and italics)* and additions underlined);

§250-17. Driveways and parking.

C. Parking.

[Amended 5-4-1987 ATM by Art. 7]

(10) *(A parking area (not including accessways), of at least one square foot for each one square foot of business and commercial building area and one square foot for each two square feet of industrial building floor area, and three square feet for each one square foot of retail building floor area shall be provided on each lot of land used as an industrial, commercial or business area.)*

(h) (The parking area is defined to include the parking spaces and any aisles between the spaces, but not any driveways leading to the parking area.)

(i) (The parking area shall not come within 30 feet of the edge of the street paving.)

(11) *(Parking areas and driveways on business, industrial or commercial sites shall be improved to at least the equivalent of eight inches of gravel over subgrade and shall be pitched to drain.)*

(1) Purpose. The purpose of this section is to ensure that all uses be provided with sufficient off-street parking and loading facilities to meet the needs of the proposed and actual uses; to ensure that off-street parking and loading facilities are designed so as to reduce hazards to pedestrians and drivers; to reduce congestion in the streets; to reduce nuisance to abutters from noise, fumes and headlight glare ordinarily associated with parking and loading areas; to reduce the environmental deterioration to surrounding neighborhoods resulting from glare, stormwater runoff, heat, dust and unattractive views associated with large expanses of pavement and vehicles.

(2) General. Any use of a building, structure or land hereafter constructed, erected or altered in kind or extent shall provide and maintain sufficient off-street parking and loading facilities to accommodate all vehicles using the premises.

(3) The Special Permit Granting Authority (if special permit or site plan approval is required) may request the assistance of the Design Review Board to review off-street parking and loading areas in accordance with Section 250-23.G.(15)(b).

(4) Changes. Any change to a building, structure or use, or a change from one permitted use to another permitted use shall comply with the requirements of the Schedule of Minimum Parking for the entire building, structure or use as changed.

(5) Relief from Parking Regulations. Relief from the Parking Regulations as otherwise required in the Bylaw may be obtained as follows:

- a. Special Permit from the Board of Appeals. Relief from the parking regulations may be granted by special permit from the Board of Appeals, where the Board finds that it is not practicable to provide the number of parking spaces required, if either (1) in the case of a change from a nonconforming use to a conforming use, that the benefits of a change to a conforming use outweigh the lack of parking spaces, or (2) in the case of a change from one conforming use to another

conforming use, that the lack of parking spaces will not create undue congestion or traffic hazards on or off the site.

(6) Use of Required Parking as Commercial or Public Lot. No parking area designated as required parking in connection with a building, structure or use shall be operated as a commercial or public parking lot to provide spaces for the general public (excluding customers, clients, patients, guests or business invitees of the owner or tenant of each building or structure) for a fee or other compensation.

(7) Schedule of Minimum Parking - General Requirements

- a. Comparable Use Requirement - Where a use is not specifically included in the Schedule of Minimum Parking, it is intended that the regulations for the most nearly comparable use specified shall apply. Alternative off-street parking standards to those shown below may be accepted if the applicant demonstrates to the satisfaction of the Special Permit Granting Authority (or building inspector if no special permit or site plan approval is required), or their designee, that such standards are adequate for the intended use.
- b. Shared Parking for Mixed Use - Buildings or lots which contain more than one use are considered mixed use. In the case of mixed uses, the requirements shall be the sum of the requirement calculated separately for each use, so that adequate space shall be provided to accommodate all vehicles anticipated on the premises at any one time. Parking spaces for one use shall not be considered as providing the required spaces for any other use, except when it can be clearly demonstrated that the peak demands for two uses do not overlap. The applicant may use the latest peak demand analyses published by the Institute of Traffic Engineers (ITE) or other source acceptable to the Special Permit Granting Authority need for parking occurs at different times.
- c. Schedule of Minimum Parking

| <u>Use</u> | <u>Minimum Parking Requirement</u> |
|---|--|
| <u>Assisted Living Housing, Nursing Care Facilities</u> | <u>1 space for each 2 beds plus 1 space for each employee on largest shift and space for delivery vehicles</u> |
| <u>Restaurant (no drive-through service)</u> | <u>1 space per 100 sf of GFA</u> |
| <u>Motel, Hotel</u> | <u>1 space per room, plus 1 space per employee</u> |
| <u>Office Building</u> | <u>1 space per 250 sf of GFA</u> |
| <u>Medical and Dental Offices and Clinics</u> | <u>4 spaces per doctor, dentist and allied professional person</u> |
| <u>Other Retail, Personal Service</u> | <u>1 space per 250 sf of GFA</u> |
| <u>Repair Shop, Building Trade Shop</u> | <u>1 space per 800 sf of GFA</u> |
| <u>Banks</u> | <u>1 space per 300 sf of GFA</u> |
| <u>Funeral Homes</u> | <u>1 space per 4 seats</u> |
| <u>Used Car Sales</u> | <u>1 space per 1,500 sf of GFA of indoor/outdoor display</u> |

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| | <u>area</u> |
| <u>Light Manufacturing, R&D Laboratories</u> | <u>1 space per each 800 sf of GFA</u> |
| <u>Schools, Elementary and Middle</u> | <u>2 spaces for each classroom, but not less than 1 space per teacher and staff position plus 1 space for each 5 seats of rated capacity of the largest auditorium or gymnasium</u> |
| <u>High Schools</u> | <u>1 space per teacher and staff position plus 1 space per 5 students</u> |
| <u>Educational Uses (exempt)</u> | <u>To be determined by Special Permit Granting Authority or building inspector based upon the most comparable other use in the table</u> |
| <u>Religious Uses</u> | <u>1 space per 4 seats</u> |
| <u>Day Care Center</u> | <u>1 space per 10 kids of rated capacity of facility plus 1 space for each employee on largest shift</u> |
| <u>Library, Museums, Community Centers</u> | <u>1 space per 300 sf of GFA</u> |
| <u>Hospitals</u> | <u>1 space per 250 sf of GFA</u> |
| <u>Handball, Racquetball, Tennis Courts</u> | <u>3 spaces per court plus 1 space per employee on the largest shift</u> |
| <u>Swimming Pool</u> | <u>1 space per 75 sf of GFA</u> |
| <u>Bowling Alley</u> | <u>4 spaces per alley</u> |
| <u>Golf Course</u> | <u>5 spaces per hole plus 1 space per employee on the largest shift plus 50% of the spaces otherwise required for accessory uses (restaurant, bar, etc.)</u> |
| <u>Trail Recreation</u> | <u>1 space per 4 persons generally expected on the premises at any one time</u> |
| <u>Kennel</u> | <u>2 spaces plus 1 space per employee</u> |
| <u>Veterinary</u> | <u>2 spaces per exam room plus 1 space for each employee on largest shift</u> |
| <u>Landscaping Services, Landscaping Contractor</u> | <u>1 space per each vehicle or trailer used in operation and 1 space per 3 employees</u> |

(8) Off-Site Parking

An applicant may use off-site parking to satisfy their parking requirements. As part of Special Permit and Site Plan Approval, the applicant shall provide the necessary information to comply with the following standards:

- a. Off-site parking shall be within five hundred (500) feet of the property line for which it is being requested or as determined by the Special Permit Granting Authority.
- b. Off-site parking may only be provided if the off-site lot has an excess number of spaces or if the applicant can demonstrate that the on-site and off-site uses have non-competing peak demands.

- c. The amount of required parking spaces being reduced on-site shall be equal to the amount being provided off-site and can account for up to 50% of the minimum required on-site parking.
 - d. Off-site parking spaces provided by a separate private property owner shall be subject to a legally binding agreement that will be presented to the Special Permit Granting Authority or as a condition of approval. If the conditions for shared parking become null and void and the shared parking arrangement is discontinued, this will constitute a zoning violation for any use approved expressly with shared parking. The applicant or property owner must then provide written notification of the change to the Zoning Enforcement Official and, within 60 days of that notice, provide a remedy satisfactory to the Commission to provide adequate parking. Shared parking for Mixed Use under Section (7)b shall apply for off-site parking spaces provided by a separate private property.
 - e. Off-site parking provided by means of a public parking facility shall be limited to 20 percent (20%) of the overall parking requirement for daytime peak uses.
 - f. On-street parking spaces that intersect or are completely contained within the frontage of the property may be counted toward the minimum parking requirements.
 - g. Uses sharing a parking facility shall provide for safe, convenient walking between uses and parking, including safe, well-marked pedestrian crossings, signage, and adequate lighting.
- (9) Off-Street Loading Areas. One or more off-street loading areas shall be provided for any business that may be regularly serviced by tractor-trailer trucks, SU-30 design vehicles or other similar delivery vehicles. Adequate areas shall be provided to accommodate all delivery vehicles expected at the premises at any one time. Loading areas shall be located at either the side or rear of each building and shall be designed to avoid traffic conflicts with vehicles using the site or vehicles using adjacent sites.
- (10) Compact Cars. In parking areas containing more than forty (40) parking stalls, thirty percent (30%) of such parking stalls may be for compact car use. Such compact car stalls shall be grouped in one or more contiguous areas and shall be identified by a sign(s).
- (11) Standard Parking Dimensional Regulations
- a. Access to parking and loading areas shall be designed so as not to obstruct free flow of traffic. There shall be adequate provision for ingress and egress from all parking spaces and loading areas to ensure ease of mobility, ample clearance, and safety of vehicles and pedestrians.
 - b. Where sidewalks occur in parking areas, parked vehicles shall not overhang the sidewalk unless an additional two (2) foot sidewalk width is provided in order to accommodate such overhang.

- c. Paved off-street parking areas shall be laid out and striped in compliance with the following minimum provisions:

| Parking Angle | Parking Stall Width | | Parking Stall Length | | Travel Lane Width | |
|--------------------|---------------------|-------------|----------------------|-------------|-------------------|-------------|
| | Standard Space | Compact Car | Standard Space | Compact Car | Standard Space | Compact Car |
| 90° (two-way) | 9 | 8 | 18 | 16 | 24 | 24 |
| 75 (one-way) | 9 | 8.5 | 19 | 17 | 22 | 22 |
| 60 (one-way) | 9 | 10 | 22 | 18.5 | 18 | 18 |
| 45 (one-way) | 9 | 12 | 25 | 21.5 | 14 | 14 |
| Parallel (one-way) | 9 | 8 | 22 | 18 or 20 | 14 or 12 | 14 or 12 |
| Parallel (two-way) | 9 | 8 | 22 | 18 or 20 | 18 or 24 | 18 or 24 |

(12) Off-Street Parking and Loading Area Design Requirements.

- a. Off-street parking and loading areas shall be designed in accordance with the design review criteria outlined in Section 250-23.G.
- b. Setbacks: Except where greater setbacks may be required elsewhere in this Bylaw, no parking space or other paved surface, other than access driveways, common driveways or walkways, shall be located within thirty (30) feet of the front lot line and within ten (10) feet of the side and rear lot lines.
- c. Handicapped parking. Parking areas shall provide specially designated parking spaces for the physically handicapped in accordance with the Americans with Disabilities Act and/or the rules and regulations of the Architectural Barriers Board of the Commonwealth of Massachusetts Department of Public Safety. Signs for the handicapped parking shall be clearly identified indicating that the spaces are reserved for physically handicapped persons. Such spaces shall be located nearest to the entrance to the use or building served.
- d. Perimeter Landscaping Requirements: All parking areas with more than five (5) spaces and all loading areas shall be bordered on all sides with a minimum of a ten (10) foot wide buffer strip on which shall be located and maintained appropriate landscaping of suitable type, density and height to effectively screen the parking area.
 - i. Off-street parking and loading areas which are located within or adjacent to a Residential District shall provide buffer in accordance with Section 250-23.C and Section 250-23.G.(7). These requirements shall not apply to non-residential or mixed use development that are designed to integrate existing or future neighboring residences into the site through the use of walkways, bicycle paths, or other pedestrian amenities.
- e. Interior Area Landscaping Requirements. A minimum of ten percent (10%) of the interior area, exclusive of perimeter landscaping, must be planted as landscaped

island areas. Planting required within the parking area is exclusive of other planting requirements, such as for shade trees planted along the street.

- i. Parking Aisles. The ends of parking aisles that are ten (10) spaces or more in length shall incorporate landscape islands at either end of the row. Where the length of parking aisles are twenty (20) spaces or more, an intermediary landscaped island shall be installed at regular intervals. Landscape islands used at the end of parking aisles shall enclose. Refer to Section 250-23.G(13)(c).
- f. Plantings for Perimeter and Interior Area Landscaping:
 - i. Landscaping shall be provided in accordance with Section 250-23.G.(8).
 - ii. Shade trees shall be of a species tolerant to the climatic conditions of Bolton and/or parking area conditions and be of at least three inch (3") caliper.
 - iii. Shrubs shall be a mix of deciduous and evergreen varieties, tolerant to the climatic conditions of Bolton, and be at least eighteen (18) inches in height at time of planting. Snow storage areas shall be planted with shrubs that are tolerant to weight and extended duration of snow cover.
 - iv. Planting shall be done in accordance with proper landscaping practices.
 - v. Trees, shrubs, grass and ground cover which die or become diseased shall be replaced.
 - vi. All landscaping in parking areas shall be placed so that it will not obstruct sight distance.
- g. Lighting. Lighting shall be in accordance with Section 250-23.G.(10).
- h. Maintenance. Parking and loading facilities and landscaping shall be continuously maintained in good condition and appearance. Whenever necessary, surfacing, lighting, curbing, markings and plantings shall be repaired or replaced with new materials, and drainage structures shall be cleaned or replaced in order to insure continued compliance with the provisions of this bylaw. Failure to maintain parking facilities properly shall be considered a violation of the Zoning Bylaw.
- i. Bicycle Parking. Bicycle parking shall be provided in accordance with Section 250-23.G.(14).

and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of Bolton; or take any other action relating thereto.

Sponsor: Planning Board

Summary: This amendment to the Parking Bylaw ensures that all uses be provided with sufficient off-street parking and loading facilities. Bolton's current Parking Bylaw generally addresses off-street parking associated with business, industrial and retail uses. The current bylaw requires one square foot for each one square foot of business floor area, one square foot for each two square feet of industrial floor area, and three square feet for each one square foot of retail floor area providing an overall square footage for parking area. Calculating the parking requirement by this method often creates more impervious area than needed. The Board recommends changing this method by calculating the number of parking spaces required based on the specific use outlined in the Schedule of Minimum Parking Requirements. The Board researched surrounding towns' parking bylaws as well as the State's Model Parking Bylaw to create the Schedule of Minimum Parking Requirements. The amendment to the Parking Bylaw also provides design flexibility allowing for shared off-street parking, off-site parking and compact car stalls. Off-site parking allows applicants to take advantage of neighboring public and/or private parking areas to count towards their off-street parking requirement. The amendments to the Parking Bylaw also provides an opportunity for applicants to justify their need for number of parking stalls based on their intended use if said use is different from the uses listed in the Schedule of Minimum Parking Requirements. Landscaping and lighting requirements align with Bolton's Design Review Criteria under Section 250-23.G of the Zoning Bylaw. Lastly, maintenance of parking areas will be required or otherwise considered a violation of the Zoning Bylaw.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: 2/3 Majority

Article x: Amendment to the Code of the Town of Bolton, Division I, Part III, Zoning Bylaw, Chapter 250 Zoning, Article V, Special Regulations – to Add New Section 250-23.x, Marijuana Establishments Bylaw

To see if the Town will vote to amend the Code of the Town of Bolton, Division I, Part III, Zoning Bylaw, Article V, Special Regulations, by inserting the following new Section 250-23.x, Marijuana Establishments;

Section 250-23.x. Marijuana Establishments.

A. Purpose

- (1) To regulate the siting, design, placement, security, safety, monitoring, modification, and removal of Marijuana Establishments in the Town of Bolton
- (2) To minimize adverse impacts of Marijuana Establishments on adjacent properties, residential neighborhoods, places where children commonly congregate, historic structures and features, and other land uses potentially incompatible with said facilities.

B. Applicability

- (1) The commercial cultivation, production, processing, assembly, packaging, retail sale, distribution or dispensing of marijuana is prohibited unless permitted as a Marijuana Establishment and in compliance with the provisions of this bylaw.
- (2) Marijuana Establishments are not an allowed use under Bolton's Right to Farm Bylaw (See Chapter 105, Agricultural Preservation.).
- (3) If any provision of this bylaw is declared invalid or unenforceable, the other provisions shall remain in full force and effect.

C. Definitions

Independent Testing Laboratory: A laboratory that is licensed by the 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 marijuana in compliance with regulations promulgated by the Massachusetts Cannabis Control Commission.

Marijuana Cultivator: an entity licensed to cultivate, process, and package marijuana, to deliver marijuana to marijuana establishments, and to transfer marijuana to other marijuana establishments, but not to consumers.

Marijuana Establishment: marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

Marijuana Product Manufacturer: an entity licensed to obtain, manufacture, process, and package marijuana/marijuana products, to deliver marijuana and marijuana products to marijuana establishments, and to transfer marijuana and marijuana products to the other marijuana establishments, but not to consumers.

Marijuana Products: products that have been manufactured and 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 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 to consumers.

Special Permit Granting Authority (SPGA): The Bolton Planning Board is hereby designated the SPGA to grant special permits for proposed marijuana establishments in compliance with the provisions of this bylaw.

D. Eligible Locations for Marijuana Establishments

Independent Testing Laboratory, Marijuana Cultivator and Marijuana Product Manufacturer shall be allowed by special permit in the Industrial District. Marijuana Retailer shall be allowed by special permit in the Business, Limited Business and Industrial Districts. Marijuana Establishments are not allowed in the Residential and Limited Recreation Business Districts.

E. General Requirements and Conditions for all Marijuana Establishments

- (1) Marijuana Establishments shall comply with all aspects of G.L. c.94G: Regulation of the Use and Distribution of Marijuana Not Medically Prescribed and 935 CMR 500.000: Adult Use of Marijuana.

- (2) All aspects of the Marijuana Establishment relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies or educational materials shall take place at a fixed location within a fully enclosed building or structure and shall not be visible from the exterior of the business.
- (3) No outside storage is permitted. This prohibition applies to all aspects of the product and waste associated with the Marijuana Establishment.
- (4) All Marijuana Establishments shall be ventilated in such a manner that no:
 - a. Pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere or ground.
 - b. Odor from marijuana cannot be detected by a person with a normal sense of smell at the exterior of the Marijuana Establishment or at any adjoining use or property.
- (5) Signage shall conform to §250-18 Sign regulations of Bolton's Zoning Bylaw and requirements of State laws and regulations governing such facilities including 935 CMR 500.105 (D).
- (6) The hours of operation of a Marijuana Retailer shall be limited to Monday through Saturday from 10 a.m. to 9 p.m. and Sunday from 12 p.m. to 6 p.m.; or as otherwise established by the SPGA.
- (7) No smoking, burning, or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a Marijuana Establishment.
- (8) No Marijuana Retailer shall have a gross floor area in excess of 2,500 square feet.
- (9) No Marijuana Establishment, at the time the application is received by the SPGA, shall be located within five hundred (500) feet of a residential dwelling. No Marijuana Establishment shall be located within five hundred (500) feet of areas where children commonly congregate, including all schools, playgrounds, day-care centers, libraries, churches, athletic playing fields, scout camps, and golf courses. The five-hundred-foot distance shall be measured in a straight line from the nearest point of the residence or facility in question to the nearest point of the proposed Marijuana Establishment.
- (10) No Marijuana Establishment shall be located inside a building containing residential units, including without limitation, transient housing such as motels, hotels, lodging houses and dormitories, or inside a movable or mobile structures such as a van or truck.
- (11) The building(s) in which a Marijuana Establishment are permitted shall not be located within three (300) feet of any building containing another Marijuana Establishment except that a Marijuana Retailer may be located within the same building as a

Marijuana Product Manufacturer which provides some or all of the product for the retailer.

- (12) Marijuana Establishments shall provide the Bolton Police Department, Fire Department, Fire Department, Building Inspector and the SPGA with the names, phone numbers and email addresses of all management staff and key holders who can be contacted if there are operating problems associated with the establishment.

F. Special Permit Requirements

- (1) Marijuana Establishments shall meet the requirements set forth in Bolton's Zoning Bylaw under §250-23 Business, commercial and industrial regulations including §250-23E Special permits for zoning use; §250-23F Site plan approval process; and §250-23G Design review criteria. In addition, a special permit application for a Marijuana Establishment shall include the following:
- a. The name and address of each owner of the Marijuana Establishment.
 - b. Copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the Marijuana Establishment; including the Cannabis Control Commission, and any required license from the Town of Bolton Board of Selectmen.
 - c. Evidence that the applicant has site control and the right to use the site for a facility in the form of a deed or valid purchase and sales agreement, or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement.
 - d. A notarized statement signed by the organization's chief executive officer and corporate attorney disclosing all of its designated representatives, including officers and directors, shareholders, partners, members, managers, directors, officers, or other similarly situated individuals and entities and their addressed. If any of the above are entities rather than persons, the applicant must disclose the identity of all such responsible individual persons.
 - e. Proposed security measures for the Marijuana Establishment including lighting, fencing, gates and alarms, etc., to ensure the safety of employees and patrons and to protect the premises from theft or other criminal activity in compliance with 935 CMR 500.110. The applicant shall demonstrate that the facility's security plan has been approved by the Police Chief. This plan shall detail all exterior and interior proposed security measures for the premises, including but not limited to; video monitoring and recording, lighting, fencing, and alarms ensuring the safety of employees and to protect the premises from theft or other criminal activity. This plan must provide 24-hour security and monitoring for the facility, particularly those portions of the building which are deemed by the Police Chief to be most vulnerable to unauthorized entry and least visible from the public ways.

- f. A description of all activities to occur on site, including all provisions for the delivery of marijuana products to and/or from the premises.
- g. A waste disposal plan which provides details for disposal of the waste materials in compliance with 935 CMR 500.105 (L).
- h. Each Marijuana Establishment permitted under this Bylaw shall, as a condition of its special permit, file an annual report with the SPGA and the Town Clerk no later than January 31st, providing a copy of all current applicable state licenses for the facility and/or its owners and demonstrate continued compliance with the conditions of the special permit and appear before the SPGA, if requested by the SPGA.
- i. A special permit shall have a term limited to the duration of the applicant's ownership of the premises as a Marijuana Establishment. A special permit may be transferred only with the approval of the SPGA in the form of an amendment to the special permit with all information required in accordance with this bylaw.
- j. The SPGA shall render a decision regarding a special permit application for a Marijuana Establishment within sixty (60) days of receiving said application in accordance with 935 CMR 500.101 (A) (1) (h).

G. Abandonment or Discontinuance of Use

- (1) A special permit shall lapse if not exercised within twenty-four (24) months of issuance.
- (2) A Marijuana Establishment shall be required to remove all material, plants, equipment and other paraphernalia prior to surrendering its state issued licenses or permits or within six (6) months of ceasing operations; whichever comes first.

and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of Bolton; or take any other action relating thereto.

Sponsor: Planning Board

Summary: The Regulation and Taxation of Marijuana Act (the "Act", put into effect in 2016 by Ballot Question 4) authorizes a state Cannabis Control Commission to license recreational marijuana establishments (retailer, cultivator, testing facility, and product manufacturer). The Act also authorizes municipalities to regulate recreational marijuana establishments through general and zoning bylaws. This article would regulate recreational marijuana establishments through Bolton's special permit and site plan approval process placing limitations, restrictions and safeguards on the location, size, hours of operation, security measures, etc. of a facility. If the Town of Bolton chooses to allow recreational marijuana establishments, the Act allows municipalities to collect a local option tax of up to 3%. There is also a Community Impact Fee paid to the municipality by the licensee which is an additional 3% of the establishment's gross sales.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: 2/3 Majority

Article x: Amendment to the Code of the Town of Bolton, Division I, Part III, Zoning Bylaw, Chapter 250 Zoning, Article III, Zoning District Regulations, Section 250-12, Schedule of permitted uses – to Add Retail Marijuana Establishments as a Permitted Use by Special Permit

To see if the Town will vote to amend the Code of the Town Bolton, Division I, Part III, Zoning Bylaw. Article III, Zoning District Regulations, Section 250-12, Schedule of permitted uses, as follows (deletions in *parenthesis and italics*) and additions underlined); and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of Bolton; or do or act relating thereto.

Residential Business Limited Business Industrial Limited Recreation Business

Marijuana Establishments

No SP SP SP No

Sponsor: Planning Board

Summary: This article regulates the location and type of recreational marijuana establishments regulated in the Town of Bolton. If the Town of Bolton chooses to allow recreational marijuana establishments.

Board of Selectmen Recommendation: Approved

Advisory Committee Recommendation: Approved

Vote Required: 2/3 Majority