

Editorial Changes

The Planning Board is proposing a series of editorial changes with the intent of making the by-laws more accurate.

Section 8.7 (Accessory Dwelling Units)

A mistake was made when editing the version of the Accessory Dwelling Unit (ADU) by-law amendment passed at the 2022 Annual Town Meeting. The word “proposed” was replaced with “Adopted” in this section. This amendment reverses that mistake.

Change Section 8.7(B)(3) from:

3. In the case of an attached ADU, plans must be provided showing all **Adopted** interior and exterior changes to the single-family dwelling. In the case of a detached ADU, plans must be provided showing the **Adopted** site changes, as well as the interior and exterior of the **Adopted** structure.

To:

3. In the case of an attached ADU, plans must be provided showing all **proposed** interior and exterior changes to the single-family dwelling. In the case of a detached ADU, plans must be provided showing the **proposed** site changes, as well as the interior and exterior of the **proposed** structure.

Section 8.6.7 (Reporting Requirements for Marijuana Establishments)

Update to reflect the fact that the Selectboard adopted “Selectboard” as their official title. This change will have no impact on the meaning or interpretation of this section.

Change Section 8.6.7(B) from:

- B. The local Building Inspector, Board of Health, Police Department, Fire Department, **Board of Selectmen** and Special Permit Granting Authority shall be notified in writing by the Medical Marijuana Treatment Center or Marijuana Establishment facility owner/operator/ manager:

To:

- B. The local Building Inspector, Board of Health, Police Department, Fire Department, **Selectboard** and Special Permit Granting Authority shall be notified in writing by the Medical Marijuana Treatment Center or Marijuana Establishment facility owner/operator/ manager:

References to old section numbering

During the recent reorganization effort, not all references to the old numbering scheme were updated. Additionally, the Marijuana by-law referred to itself as section 8.7 rather than 8.6. This amendment would update those issues, and have no impact on the meaning or interpretation of these sections.

Change 2.6.7(D) from:

- D. The Site Plan Reviewing Authority shall render a decision on the application within sixty-five (65) days of the date the application was deemed complete and the Town has been reimbursed for all fees for engineering and consulting services referred to in ~~Section D(4)~~ of this bylaw. If the Site Plan Reviewing Authority does not act within this period, approval is granted by default.

To:

- D. The Site Plan Reviewing Authority shall render a decision on the application within sixty-five (65) days of the date the application was deemed complete and the Town has been reimbursed for all fees for engineering and consulting services referred to in [Section 2.6.6](#) of this bylaw. If the Site Plan Reviewing Authority does not act within this period, approval is granted by default.

Change Section 2.6.8(A)(1) from:

1. Approval of the Site Plan based on a determination that the proposed project complies with the criteria mentioned in ~~section F~~ of this bylaw;

To:

1. Approval of the Site Plan based on a determination that the proposed project complies with the criteria mentioned in [Section 2.6.9](#) of this bylaw;

Change Section 2.6.8(A)(2) from:

2. Approval of the Site Plan, subject to such conditions, modifications and reasonable restrictions as the Site Plan Review Authority deems necessary to ensure compliance with the criteria mentioned in ~~Section F~~ of this bylaw;

To:

2. Approval of the Site Plan, subject to such conditions, modifications and reasonable restrictions as the Site Plan Review Authority deems necessary to ensure compliance with the criteria mentioned in [Section 2.6.9](#) of this bylaw;

Change Section 2.6.14 from:

Any violations of the approved Site Plan or of any conditions, modifications, and restrictions of the approval by the Site Plan Review Authority shall be subject to the enforcement provisions of ~~Section VIII-B-5~~ of the Zoning Bylaw.

To:

Any violations of the approved Site Plan or of any conditions, modifications, and restrictions of the approval by the Site Plan Review Authority shall be subject to the enforcement provisions of [Section 2.2.1\(B\)](#) of the Zoning Bylaw.

Change section 4.5(B)(2) from:

2. The review shall be conducted in accordance with the regulations in ~~Section XII~~ of this bylaw, to the extent permitted for the use by Massachusetts General Law Chapter 40A.

To:

3. The review shall be conducted in accordance with the regulations in Section 2.6 of this bylaw, to the extent permitted for the use by Massachusetts General Law Chapter 40A.

Change section 4.6(C) from:

- C. The review shall be conducted in accordance with the regulations in ~~Section XII~~ of this bylaw.

To:

- C. The review shall be conducted in accordance with the regulations in Section 2.6 of this bylaw.

Change section 4.7(C) from:

- C. The review shall be conducted in accordance with the regulations in ~~Section XII~~ of this bylaw, to the extent permitted by Massachusetts General Law Chapter 40A for this use.

To:

- C. The review shall be conducted in accordance with the regulations in Section 2.6 of this bylaw, to the extent permitted by Massachusetts General Law Chapter 40A for this use.

Change section 8.4.3(7) from:

7. Flexible Development shall employ Low Impact Development techniques and Renewable Energy techniques to the maximum extent practicable, as described in ~~Section G~~.

To:

7. Flexible Development shall employ Low Impact Development techniques and Renewable Energy techniques to the maximum extent practicable, as described in Section 8.4.6.

Change section 8.5.3(A)(4) from:

4. LSGMSPIs shall undergo Site Plan Review (see ~~Section XII~~) by the Planning Board prior to construction, installation or modification as provided in this section.

To:

4. LSGMSPIs shall undergo Site Plan Review (see Section 2.6) by the Planning Board prior to construction, installation or modification as provided in this section.

Change section 8.5.6(E)(3)(b)(1) from:

1. Any LSGMSPI which has reached the end of its useful life or has been discontinued or has been abandoned consistent with ~~Section XIV.14.a~~ of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

To:

1. Any LSGMSPI which has reached the end of its useful life or has been discontinued or has been abandoned consistent with Section 8.5.6(E)(3)(a)(1) of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

Change section 8.6.6(B) from:

- B. In addition to the general requirements in ~~Sections 8.7.3, 8.7.4, and 8.7.5~~, all structures utilized for any purpose by a licensed Medical Marijuana Treatment Center or Marijuana Establishment shall be compatible in scale, design and aesthetic with the existing neighboring properties in particular, and with the rural, agricultural character of the Town of Worthington in general. The following design standards shall also apply to all Medical Marijuana Treatment Centers or Marijuana Establishments in the Town of Worthington:

To:

- B. In addition to the general requirements in Sections 8.6.3, 8.6.4, and 8.6.5, all structures utilized for any purpose by a licensed Medical Marijuana Treatment Center or Marijuana Establishment shall be compatible in scale, design and aesthetic with the existing neighboring properties in particular, and with the rural, agricultural character of the Town of Worthington in general. The following design standards shall also apply to all Medical Marijuana Treatment Centers or Marijuana Establishments in the Town of Worthington:

Change section 8.6.6(B)(5) from:

5. Roofing: No Enclosed Structure, as defined herein, shall have a roof pitch of less than 5/12, unless the applicant can demonstrate to the satisfaction of the Special Permit Granting Authority that any deviation from this standard is in better keeping with ~~§5(g)(i) of this section~~.

To:

5. Roofing: No Enclosed Structure, as defined herein, shall have a roof pitch of less than 5/12, unless the applicant can demonstrate to the satisfaction of the Special Permit Granting Authority that any deviation from this standard is in better keeping with Section 2.6.9(A)(1).

Change section 8.6.8(F) from:

- F. In the event that any Medical Marijuana Treatment Center or Marijuana Establishment has reasonable grounds to temporarily ceases to operate, the Special Permit Granting Authority may, at its discretion, extend the term limit defined in ~~§8.7.8(D)~~, provided that:

To:

- F. In the event that any Medical Marijuana Treatment Center or Marijuana Establishment has reasonable grounds to temporarily ceases to operate, the Special Permit Granting Authority may, at its discretion, extend the term limit defined in §8.6.8(D), provided that:

Change section 8.6.8(I) from:

- I. The Special Permit Granting Authority may hire, at the applicant's expense, professional, third-party consultant(s) of their choosing to assist them in evaluating the Special Permit application, estimating any bond amounts as required by ~~Section 5-(i)(viii)~~ of this bylaw, or any other requirements contained herein.

To:

- I. The Special Permit Granting Authority may hire, at the applicant's expense, professional, third-party consultant(s) of their choosing to assist them in evaluating the Special Permit application, estimating any bond amounts as required by Section 8.6.8(H) of this bylaw, or any other requirements contained herein.

Change Definition of a Small Business from:

Small Business: Any enterprise conducting sales from the premises, not deemed to be a tradesman or an artisan as referenced in ~~Section IV, paragraph A(5b) of the Worthington By-Laws~~.

To:

Small Business: Any enterprise conducting sales from the premises, not deemed to be a tradesman or an artisan as referenced in Section 4.3(B)(1)(b) of this bylaw.

Change Definition of a Common Driveway from:

Common Driveway: A vehicular access from a road to more than one (1) but no more than six (6) residential units, built in accordance with the common driveway standards stated in ~~Section XIII H~~ of this bylaw.

To:

Common Driveway: A vehicular access from a road to more than one (1) but no more than six (6) residential units, built in accordance with the common driveway standards stated in Section 8.4.6(C) of this bylaw.