

Lenox Agricultural Uses Bylaw Proposed amendments for next Annual Town Meeting

Amend Definitions (Section 4 of ZBL) as follows:

- **Agriculture, Commercial:** On parcels of five (5) acres or more as defined by G.L. c. 128, § 1A, and exempted by G.L. c. 40A, § 3.
- **Agriculture, Small-Commercial:** On parcels of less than five (5) acres as defined by G.L. c. 128, § 1A, and referenced and not exempted by G.L. c. 40A, § 3.
- **Farm Stand, Commercial:** A place for the sale of produce, wine, and dairy products in association with a Commercial Agriculture use.
- **Farm Stand, Small-Commercial:** A place for the sale of produce, wine, and dairy products in association with a Small-Commercial Agriculture Use.
- **Farm Stand, Neighborhood:** A place for the sale of excess seasonal produce or other products as allowed from an on-site, non-commercial garden.
- **“Backyard Chickens”:** The raising and keeping of chickens for personal, non-commercial use on parcels of less than five (5) acres.

Amend SCHEDULE OF USES (Section 5 of ZBL) as follows:

D.	Agricultural Uses	R3A	R1A	R30	R15	C3A	C1A	C	I	Reference
1	Agriculture, Commercial on parcels five acres or more	Y	Y	Y	Y	Y	Y	Y	Y	Section 8.14
2	Farm Stand, Commercial on parcels five acres or more	Y	Y	Y	Y	Y	Y	Y	Y	Section 8.14
3	Agriculture, Small-	BA	BA	BA	N	BA	N	N	N	Section 8.14

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	Commercial on parcels less than five acres									
4	Farm Stand, Small-Commercial on a parcel less than five acres	Y	Y	Y	N	Y	N	N	N	Section 8.14
5.	Farm Stand, Neighborhood	Y	Y	Y	Y	BA	BA	Y	N	Section 8.14
6	“Backyard Chickens” on parcels less than five acres	Y	Y	Y	Y	BA	BA	Y	N	Section 8.14
7	<i>[Move from 5.H.7:]</i> The raising or keeping of animals, other than domestic pets and “Backyard Chickens,” by the residents of the premises, not as a commercial venture.	Y	Y	Y	Y	Y	Y	Y	Y	Section 8.14

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Strike Section 5.4. and move to new Section 8.14, creating:

Section 8.14: Agricultural Uses

Section 8.15: Manufacturing of Consumer Goods

Section 8.16: Limited Retailing and/or Mail Order Processing

Section 8.14 Agricultural Uses

Please note: Commercial marijuana cultivation is not part of this bylaw. It is subject to different regulations.

8.14.1 Commercial Agriculture

1. Commercial farming activities are allowed by right in any zoning district on parcels of five (5) acres or more, as defined by G.L. c. 128, § 1A, and exempted by G.L. c. 40A, § 3.

8.14.2 Small-Commercial Agriculture:

Special requirements:

1. The raising of livestock or poultry is allowed if the following conditions are met:
 - a. Swine, mink, chinchilla or other animals raised for their pelts are not allowed.
 - b. Any building housing livestock or poultry may not be less than 150 feet from any lot line. In considering the Special Permit, the Zoning Board may reduce the required setback to no less than 100 feet, if it deems that a smaller buffer will suffice to protect impacts on the natural environment, community, and neighborhood interests.

8.14.3 Non-Commercial Raising and Keeping of Animals

1. Any building or structure housing animals other than domestic pets and “Backyard Chickens” kept by residents on their premises may not be less than 100 feet from any lot line.

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8.14.4 Commercial and Small-Commercial Farm Stands:

Special requirements in Residential Districts:

1. Location and associated activity:
 - a. Parking areas, garbage collection areas, and any other associated activity areas shall be set back at least 50 feet from the side and rear lot lines and 20 feet from the street line. Any structures shall be set back at least 50 feet from the side and rear lot lines. The Zoning Board, by Special Permit, may reduce the required side and rear lot line setbacks to no less than the district setback.
 - b. Outdoor displays, including goods for sale, are allowed.
2. Hours of Operation:
 - a. The Farm Stand may be open to the public between the hours of 8 a.m. and 8 p.m.
 - b. Garbage pickup and loading activities shall take place only between the hours of 8 a.m. and 7 p.m.
 - c. Exterior and interior lighting shall be extinguished no later than 9 p.m., unless required for public safety purposes.
3. Signs:
 1. In addition to the requirements in 7.2, the following signs are permitted:
 - a. Commercial and Small-Commercial Farm Stands may have two three (3)-foot square in area signs, one on the building and one free-standing.
 - b. A free-standing sign shall have a maximum assembly height not more than four (4) feet above the lowest underlying grade and shall be set back at least 15 feet from the street line.

8.14.5 Backyard Chickens:

Special requirements:

1. Number of chickens allowed:
 - a. On parcels less than two (2) acres, up to 18 chickens may be kept.
 - b. On parcels more than two (2) acres, up to 24 chickens may be kept.
 - c. Roosters are allowed only on parcels of one (1) acre or more.
2. Enclosing the chickens:
 - a. Chickens must be contained on the owner's property.
 - b. A dedicated structure, such as a henhouse, to enclose chickens must be provided with a minimum rate of four (4) square feet per chicken.
 - c. Chicken enclosures (barn, coop, fenced-in area) must comply with zoning district distances and setbacks.

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8.14.6 Neighborhood Farm Stands:

A Neighborhood Farm Stand:

1. May be comprised of a table, tent, canopy, wagon, or small moveable temporary structure.
2. Shall not exceed 120 square feet in size.
3. May be located at the lot line but not within the Town way.
4. May only operate March – November and shall be removed when not in use.
5. May sell only flowers and only whole, uncut fresh fruits and vegetables, unprocessed honey, pure maple products, or farm fresh eggs as regulated by Massachusetts Department of Public Health 105 CMR 590 State Sanitary Code Chapter X - Minimum Sanitation Standards For Food Establishments, and all produced on site.
6. Shall securely store or cover products overnight.
7. Must provide one on-site, off-street parking spot.
8. Is allowed one three (3) square feet single- or double-sided advertising sign either affixed to the Farm Stand or on adjacent ground.
9. Shall have no lighting of Farm Stand or sign.