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Warrant Article 20 – Zoning amendments related to Agricultural Uses
Planning Board written report

Warrant Article 20 asks voters to approve amendments to our zoning bylaw related to agriculture. Proposed changes address definitions, zoning, and standards for:

- Commercial Agriculture & associated Farm Stands
- Small-Commercial Agriculture & associated Farm Stands
- “Backyard Chickens”
- Neighborhood Farm Stands

The Planning Board unanimously supports these amendments, and we hope you will vote “yes” as well. 2/3 majority required.

Background:

- Currently, portions of the Town’s Agriculture bylaws are not compliant with State law. The Planning Board worked to correct the deficiencies, and in the process, we also assessed how the bylaw could be improved.
- In particular, we considered how residents are using, and want to use, their land for agricultural purposes today and into the future -- all with an eye toward the fact that we are a rural community and anything we can do to help our residents be more self-sustaining should be encouraged.
- We included feedback from a Public Hearing and from the Zoning Board of Appeals in finalizing this proposal. During our Public Hearing, a resident suggested we look at “Right to Farm” zoning for Lenox; this is another way to regulate/deregulate agriculture that has not come up before, and we will look into it further for possible future consideration. Meanwhile, we believe tonight’s proposal improves upon our existing bylaw, including improving the ability to have chickens and to sell garden produce.
- Please note: Commercial marijuana cultivation is not part of this bylaw. It is subject to different regulations.

See the flip side of this page for highlights of the proposed changes.

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Highlights of proposed changes:	Explanation:
<p>Definitions for Agricultural Uses – Definitions for “Exempt” and “Non-Exempt” uses are now consistent with state law.</p>	<p>Previous language was inconsistent with state law and needs to be corrected. Note:</p> <ul style="list-style-type: none"> • “Exempt” = by-right, by state law • “Non-exempt” = what Lenox also allows, by Special Permit
<p>Commercial and Small-Commercial Farm Stands in Residential zoning districts – Standards are established for setbacks, hours of operations, and signage.</p>	<p>Previously, there were no particular standards for this commercial use in residential districts. Since residential districts are usually protected from commercial uses, we felt it prudent to establish some standards for this use.</p>
<p>Backyard Chickens – The proposed changes make it easier for residents to keep chickens for personal use, with a few requirements to be respectful of neighbors.</p>	<p>Previously, you could only keep chickens if you had 100-foot side- and rear-setbacks. This was very limiting to many residents. The new bylaw makes keeping chickens a by-right use as long as you meet several standards. These include meeting normal established setbacks, setting a maximum number of chickens, and a few other things to be respectful of neighbors.</p>
<p>Neighborhood Farm Stands – New to the bylaw, we recommend that selling produce from your personal garden on a roadside table or other small structure be by-right, with several requirements to be respectful of neighbors.</p>	<p>Previously, having a small stand to sell excess produce from your own garden was not legal within our zoning bylaws. Like keeping backyard chickens, we suggest making this a by-right use as long as you meet several standards. Note: The Board of Health limits what can be sold in this manner.</p>
<p><i>See the complete copy of the proposed bylaw, which includes a full copy of the proposed changes, for all the legal language and details.</i></p>	