

May 10, 2017 Annual Town Meeting

Proposed Planning Board Article 24

MICROBREWERY AND RETAIL SALES

Article 24: To see if the Town will vote to amend in the Zoning By-Law **Section 3 DEFINITIONS**, Subpart **(B) Definitions** to insert the term and define “Microbrewery” and renumber the definitions in alphabetical order; **Section 5 USE REGULATIONS**, Subpart **(E) Use Regulations Schedule** to incorporate the use “Microbrewery” into the Industrial Uses classification and provide whether they are permitted by Right, Site Plan Review, and/or Special Permit in various zoning districts and change the use “Retail Sales” (in the Business Uses classification” from “prohibited” in the Industrial A zoning district to “permitted by Site Plan Review” in the Industrial A zoning district subject to a footnote and insert a footnote regarding restrictions on the “Retail Sales” use in the Industrial A zoning district (as detailed in the Planning Board Report) or take any other action relative thereto. (Proposed by the Planning Board).

Section 3

DEFINITIONS

(B) Definitions

68. Microbrewery. A facility, licensed under the relevant state and federal statutes, with a capacity of not more than fifteen thousand (15,000) barrels, (a barrel being equivalent to thirty-one (31) gallons a year), for the production and packaging of malt, wine, or hard cider beverages for retail or wholesale distribution, on or off the premise, and which may include a tap room where beverages produced on the premises may be sold and consumed. May include other uses such as, but not limited to, a restaurant and/or outdoor dining, entertainment for limited hours a few days per week in association with the tap room, etc. The term “microbrewery” is to be interpreted as referring to similar facilities such as, but not limited to, “distillery”. A “microbrewery” shall be considered to be a “General manufacturing use which is not commonly considered hazardous or noxious”. Retail sales associated with the operation of a Microbrewery and events held in association with the tap room shall be accessory and incidental to the operation of the tap room.

Section 5

USE REGULATIONS

(E) Use Regulations Schedule

1. Revise the “Business Uses” classification to change “Retail Sales” from “N” to “SPR/o” in the Industrial A Zoning District.
2. Insert the following footnote in the “Business Uses” classification in regard to allowing “Retail Sales” in the Industrial A zoning district:

Retail Sales is limited to those items produced on site and incidental accessory products produced off site but relates to the operation of the primary use and only comprises a small portion of the total retail sales on the site. The “incidental accessory” products could include the sale of merchandise by persons who perform at events held on the site and by businesses which conduct operations at the site.

3. Insert the use “Microbrewery” into the “Industrial Uses” category and denote it as being permitted as “SPR” (Site Plan Review) in the Industrial A, Industrial B, and Industrial Garden District zoning districts.

[revised use tables are in separate attached files]

5(E) Use Regulations Schedule

USE CLASSIFICATIONS	DISTRICTS													Water Supply Protection Overlay	Adult Use Entertainment Overlay
	Residence				Agric.	Business				Industrial					
	A-1	A-2	B	C		A-1	A	B	C	A	B	Garden			
Business Uses <i>(As Amended June 19, 2013 Special Town Mtg.)</i>															
Drive-in services	N	N	N	N	N	SP	SP	SP	N/j	N	N	N	N		
Retail Sales	N	N	N	N	N	SPR	SPR	SPR	SPR/k	N SPR/o	SPR	SPR/I	SP/i		
Personal, business, and professional services	N	N	N	N	N	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SP/i		
Gasoline filling stations	N	N	N	N	N	SP/a	SP/a	SP/a	N	N	SPR	N	N		
Automotive repair and services	N	N	N	N	N	SP/h	SP/h	SP/h	N	SPR	SPR	N	N		
Open air parking for 25 vehicles or less/d	N	N	N	N	N	N	SPR	SPR	N	N	SPR	N	N		
Public parking areas and garages (unrestricted capacity)	N	N	N	N	N	N	N	SPR	N	N	SPR	N	N		
New and second hand car dealers	N	N	N	N	N	SP	SP	SP	N	N	SP	N	N		
Marinas	N	N	N	N	N	SPR	SPR	SPR	N	N	SPR	SPR	N		
Office	N	N	N	N	N	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SP/i	
Wholesale sales and warehousing	N	N	N	N	N	N	N	SPR	SP/m	SPR	SPR	SPR	SPR	N	
Telephone exchange buildings	N	SPR	SPR	N	N	N	SPR	SPR	N	SPR	SPR	SPR	N		
Railroad or bus passenger stations or shelters and rights-of-way	N	SPR	SPR	SP	N	SP	SPR	SPR	SPR	SP	SPR	SP	SP/i		
Amusement parks, bowling alleys, roller skating rinks	N	N	N	N	N	N	N	SPR	N	N	SPR	N	N		
Motel – Hotel	N	N	N	N	N	N	N	N	SP	N	SP	N	N		
Open air theaters	N	N	N	N	N	N	N	N	N	N	N	N	N		
Sale of farm products	SP/b	N	N	N	Y/c	N	SP/b	SP/b	SP/b	N	SP/b	N	Y/b/c/i		
Training or educational institutions operated for profit	N	N	N	N	N	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SP/i		
Professional Business (as provided in Section 7)	SP/e	SP/f	SP/g	N	N	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SP/i		
Restaurant	N	N	N	N	N	SPR/n	SPR/n	SPR/n	SPR/n	SPR/n	SPR/n	SPR/n	N		
Adult Entertainment Uses, as provided in Section 7	N	N	N	N	N	SP	N	SP	N	N	N	N	N		SP
Flea Market	N	N	N	N	N	SP	SP	SP	N	N	N	N	N		
Commercial Kennels	N	N	N	N	N	SP	SP	SP	SP	SP	SP	N	N		
Medical Marijuana Off-Site Dispensary (MMOSD) subject to Section 7(Y)	N	N	N	N	N	N	N	N	N	SP	SP	N	N		

NOTES:

- a. Provided that not more than thirty thousand (30,000) gallons of gasoline shall be stored on the premises. An enclosed lubrication for two (2) motor vehicles shall be permitted.
- b. Provided minimum parcel size is two (2) acres and all of the products are raised on the premises.
- c. Provided that during the months of June, July, August, and September of every year, or during the harvest season of the primary crop raised on the land of the owner or lessee, the major portion of the product(s) are grown or produced on the premises.
- d. Such use shall be defined to include public parking provided for a fee, and areas used for vehicle storage. These regulations shall not be construed to prohibit parking for residents, employees, customers or visitors as required by the provisions of Section 8, Part (H).
- e. **Route 33**, only from Route 202 south to Chicopee city line.
- Route 202**, only from intersection of Route 33 to Granby town line.
- Route 116**, beginning 830+/- feet south of Leahey Avenue on the west side of College Street south to Rita Circle and 1,115+/- feet south of Burnett Avenue on the east side of College Street south to a point 58+/- feet north of Belmont Avenue.
- f. From Rita Circle on the west side of **Route 116**, and from 58+/- feet north of Belmont Avenue on the east side of **Route 116**, to the intersection with Route 202.
- g. Bridge Street, Lamb Street, Main Street only.
- h. Repairing of motor vehicles out of doors is prohibited. Automotive repair and service shops are subject to provisions of Section 7. An enclosed lubrication for two (2) motor vehicles shall be permitted, and not more than 30,000 gallons of gasoline shall be stored on the premises.
- i. Only if the use is permitted in the underlying district.
- j. Drive-in bank, drive-in pharmacy allowed by Special Permit.
- k. No single use will occupy more than 65,000 square feet.
- l. As provided in Section 7, Part (Q).
- m. No single establishment may occupy more than 30,000 square feet of building floor area.
- n. Drive-through restaurants require a special permit.
- o. Retail Sales is limited to those items produced on site and incidental accessory products produced off site but relates to the operation of the primary use and only comprises a small portion of the total retail sales on the site. The "incidental accessory" products could include the sale of merchandise by persons who perform at events held on the site and by businesses which conduct operations at the site.

5(E) Use Regulations Schedule (Continued)

USE CLASSIFICATIONS	DISTRICTS												
	Residential				Agric.	Business				Industrial			Water Supply Protection Overlay
	A-1	A-2	B	C		A-1	A	B	C	A	B	Garden	
Industrial Uses													
<i>(As Amended June 19, 2013 Special Town Mtg.)</i>													
General manufacturing uses not commonly considered hazardous or noxious	N	N	N	N	N	N	N	SP/a	N	SPR	SPR	SPR	N
Other manufacturing uses commonly considered hazardous or noxious, as provided in Section 7	N	N	N	N	N	N	N	N	N	N	SP	N	N
Gas to Energy Facility/e	N	N	N	N	SP/e	N	N	N	N	SP	SP	N	N
Medical Marijuana Cultivation and Processing Facility (MMCPF)	N	N	N	N	N	N	N	N	N	SPR/SP/f	SPR/SP/f	N	N
Medical Marijuana Treatment Center (MMTC)	N	N	N	N	N	N	N	N	N	SP	SP	N	N
Microbrewery	N	N	N	N	N	N	N	SP/a	N	SPR	SPR	N	N
Other													
Accessory uses to permitted principal uses, as provided in Section 7	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y
Major earth removal, extraction, and/or fill activities/b	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Other earth removal, extraction, and/or fill activities/b	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Extension or alteration of existing non-conforming use or structure as provided in Section 2, Part (F)	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Wireless Communications Antennas/c/d	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Wireless Communications Tower/d	N	N	N	N	SP	SP	SP	SP	SP	SP	SP	SP	SP

- NOTES:**
- Provided that not more than one person shall be employed for each seventy (70) square feet for floor area and in no case shall a total of more than seven-thousand (7,000) square feet of the premises be devoted to such use.
 - Subject to the criteria and provisions specified in Section 8, Part (E) and also (when the activity is located within the Water Supply Protection District) subject to the criteria and provisions contained in Section 7, Part N.
 - Both uses are subject to the provisions of Subpart 7(S) of the Zoning By-Law and include any and all equipment (including Equipment Shelters), cable, and related fixtures.
 - The Wireless Communications Antennas' use only applies to such antennas and related equipment (including Equipment Shelters), cable, and related fixtures to be affixed to existing structures not primarily erected or used for wireless communications purposes. If such antennas are to be affixed to structures the use is to be considered as requiring a Special Permit approved by the Planning Board.
 - Such a facility is only permitted in an Agricultural District if it is on site of the landfill generating the gas being processed. All Gas to Energy Facilities are subject to the provisions of Section 7(W) and the Special Permit granted by the Planning Board.
 - Whether a Site Plan Review or Special Permit is required depends upon whether the parcel abuts property used for residential purposes and the distance between the building housing the MMCPF and the residence as specified in Section 7(Y).