

## Accessory Agriculture Bylaw

### Proposed Zoning Bylaw Amendment

#### **4.5 Accessory Agricultural Uses**

##### **4.5.1 - Purpose**

The purpose of this Section is to allow and provide for additional economic development opportunities for Granville farmers that is consistent with Granville's Right To Farm Bylaw, the Granville Open Space and Recreation Plan and Mass. General Laws Chapter 40A, Section 3 of the Zoning Act. This section is intended to promote opportunities for Granville farmers to supplement their incomes from farm operations by diversifying their operations to include businesses that may combine agriculture, tourism, outdoor recreation and other farm-related activities. The intent is to benefit Town residents by encouraging economic development and open space preservation that fits the current rural character of Granville. Nothing herein is intended to limit any use protected by M.G.L. c. 40A, § 3 as an agricultural use.

##### **4.5.2 - Applicability**

This section applies to agriculturally-related accessory uses where the principal use of the land is commercial agriculture as that term is used in G.L. Chapter 128, section 1A and referred to in G.L. Chapter 40A, section 3. To determine applicability, the applicant may be required to provide evidence to the Planning Board and the Building Inspector that the principal use of the land qualifies as commercial agriculture pursuant to G.L. c. 40A, s. 3 and that the proposed accessory use is customarily incidental and subordinate to the primary commercial agricultural use.

##### **4.5.3 - Definitions**

**Accessory Farm Store** - an on-site retail outlet for farm products that is subordinate to the primary commercial agriculture use of growing or harvesting of crops or the raising of livestock, designed to bring the public to the farm for the purchase of agriculturally-related products and/or value-added agricultural products. The Farm Store should comply with the Accessory Business section of the Granville Zoning Bylaw.

**Agri-commercial** - Commercial activities designed to increase marketing opportunities and to bring the public to a Farm Enterprise for a farm-related experience and/or to increase the sale of agricultural products for the purpose of enhancing the viability of a Farm Enterprise.

**Agriculturally-Related Products**. - Items sold at Accessory Farm Stores to attract customers and promote the sale of agricultural products. Such items include; agricultural and horticultural products, animal feed, baked goods, desserts, beverages, jams, honey and gift items promoting farming and agriculture as well as value-added agricultural products, especially those items produced on site.

**Agriculture & Agricultural** - as defined in G.L. Chapter 40A, section 3.

**Agri-tourism** - Tourism defined specifically to bring the public to a Farm Enterprise for a farm-related educational experience in the actual farm setting and the display of agricultural products with the ultimate goal of encouraging the purchase of locally produced agricultural products. Agri-tourism shall include Farm-Stay programs, entertainment events, fundraising activities and community events and other activities designed to enhance the viability of farm operations.

**Farm Enterprise** - A farming operation entitled to protection under G.L. c. 40A, s. 3.

#### **4.5.4 - Permit Authority & Procedures**

The Planning Board shall act as the administrative authority for Site Plan Review for Accessory Agricultural Uses. Regulations for Site Plan Review shall be set by the Planning Board. For uses believed to be allowed “as-of-right”, the applicant farmer will submit a written request to review the proposed accessory use to the Planning Board and the Building Inspector. This written request should be submitted at least 30 days prior to the commencement of the proposed use. The applicant shall be responsible for obtaining all necessary and applicable federal, state and local permits and/or licenses prior to the request for Site Plan Review and prior to the issuance of any required building permit and/or the commencement of any accessory use.

#### **4.5.5 - Use Provisions**

##### **A. Allowable Accessory Uses**

Unless otherwise specified below, agri-commercial and agri-tourism shall be permitted as accessory uses provided that the primary use of the land is Commercial Agriculture, the parcel has a minimum of five (5) acres and the sales meet the requirements of G.L. c. 40A, s. 3. Examples of allowable uses include but are not limited to the following:

1. Fruit, pumpkin or related U-pick operations;
2. Corn mazes, crop art or related activities;
3. Educational and demonstrative tours;
4. Walking and bicycling tours and trails;
5. Petting and feeding zoos;
6. Hay rides;
7. Cut your own Christmas tree farms;
8. Agricultural museums;
9. Living history farms;
10. Processing demonstrations;
11. On-farm farmers' markets and-roadside stands;
12. On-farm restaurants where a significant portion of products sold is prepared on site with farm crops grown or raised on site;
13. Winery tours and wine tasting where a significant portion of products sold is prepared on site with farm crops grown or raised on site;
14. Brewery tours and beer tasting where a significant portion of products sold is prepared on site with farm crops grown or raised on site;
15. Liquor tours and liquor tasting where a significant portion of products sold is prepared on site with farm crops grown or raised on site;
16. Ice cream and bakery facilities where a significant portion of products sold is prepared on site with farm crops grown or raised on site;
17. Outdoor recreation (fishing, hunting, bird watching, natural features);
18. Horseback riding;
19. Rural bed and breakfast;
20. Consuming: agricultural or food products; and
21. Garden tours.

**B. Allowable Accessory Uses Requiring Site Plan Review:**

The following accessory agriculturally-related uses are subject to Site Plan review by the Planning Board and other Town Dept., Boards and/or Commissions:

1. Any use of a building larger than the 800 sq. ft. allowed by Section 3.4, Home based Business, of the Granville Zoning Bylaw.
2. Any event or gathering that may exceed the established legal occupancy of buildings associated with accessory agricultural use.
3. Private parties, concerts, festivals or other special events.
4. Lodging, other than permitted bed and breakfast facilities.
5. Art galleries and sculpture parks.
6. Non-motorized active recreational uses, including but not limited to; cross-country skiing, snowshoeing, disc golf, zip-lining and archery.

**C. Prohibited Accessory Uses**

The following accessory agricultural uses are prohibited:

Uses not specifically listed as accessory above, uses not customarily incidental to primary commercial farming uses, or uses otherwise prohibited in the zoning district.

**D. Requirements**

Where site plan review is required for an accessory agricultural use, the Planning Board shall be the Site Plan Review authority and the otherwise applicable site plan requirements for the zoning district shall apply.

Further, the Planning Board, in its discretion, shall make a finding whether each site plan element listed below has been adequately addressed by the applicant:

1. Noise control;
2. Off street parking;
3. Loading areas;
4. Traffic control measures for roads leading to the facilities;
5. Refuse disposal;
6. Sanitation;
7. Crowd control and security;
8. Fire protection;
9. Lighting; and
10. Screening from neighboring properties.

The Planning Board may impose reasonable conditions upon any site plan approval, issued under this Section.

**4.5.6 - Severability**

If any provision of this Section is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this section shall not affect the validity of the remainder of the Town of Granville Zoning Bylaw.