



Town of Orleans

19 School Road Orleans Massachusetts 02653-3699

Telephone (508) 240-3700 – Fax (508) 240-3388

George Meservey

Director of Planning &
Community Development

Zoning Bylaw Task Force Hybrid Meeting
Wednesday, September 25, 2024 3:00 PM
Skaket Room, Orleans Town Hall

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/86804403243>

By Phone: (646) 558-8656

Webinar ID: 868 0440 3243

AGENDA

1. Review of Task Force Charge
2. Fall Special Town Meeting Article – Marijuana Courier
3. Reducing Special Permit Requirements (164-13, note 4)
 - a. 2,500 s.f. Threshold
 - b. Change of Use
4. Planning Board issues under review
 - a. Form-based Code
 - b. Seasonal Housing
5. Adjourn



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Board of
Selectmen

Town
Administrator

CHARGE

Zoning Bylaw Task Force

As authorized by Orleans Home Rule Charter, Chapter 3, Section 3-10-1, the Board of Selectmen hereby establishes a Zoning Bylaw Task Force to consist of five (5) members, plus two (2) ex officio members comprised of the following:

- 1 member of the Zoning Board of Appeals
- 2 members of the Planning Board
- 2 members at large (appointed by the Board of Selectmen)
- Building Commissioner (ex officio)
- Direction of Planning and Community Development (ex officio)

or their designees.

The members shall be appointed for terms of three (3) years, or until the expiration of their committee appointment, whichever comes first. During the annual organization of the Planning Board and Zoning Board of Appeals, these Boards shall vote to appoint their representatives, whose names will be submitted to the Board of Selectmen.

The Task Force shall work under the direction of the Planning Board to:

1. Explore and evaluate issues related to the Zoning Bylaw and identify areas for improvement;
2. Develop draft language for Planning Board review and possible public hearing and resolve discrepancies;
3. Identify and improve sections that are unclear, confusing, contradictory or ambiguous;
4. Draft new sections that will address problems or concerns that may arise periodically; and
5. Make recommendations to the Planning Board prior to zoning amendment public hearings, and expand and clarify definitions.

The Task Force shall meet as needed and file its minutes with the Town Clerk within 30 days of each meeting. The Task Force will submit an annual report to the Town Administrator by January 15 of each year for publication in the Annual Town Report.

Last Date approved:

December 18, 2018

PUBLIC HEARING NOTICE
Town of Orleans Planning Board

Pursuant to the provisions of Massachusetts General Laws, Chapter 40A, Section 5, the Orleans Planning Board will hold a public hearing on October 22, 2024 at 4:00 PM at the Orleans Town Hall. The purpose of the hearing is to accept public comments on the following proposed amendments to the Zoning By-laws. Written comments may be submitted to the Planning Board at 19 School Road, Orleans, MA 02653 or by emailing the Planning Board at gmeservey@town.orleans.ma.us. Anyone having an interest in the hearing is invited to access the remote meeting via Zoom.com using the login information supplied below. Instructions regarding how to access and participate in the remote meeting will be posted in the Planning Board agenda page for this meeting located at <https://www.town.orleans.ma.us/planning-board>. All proposed text can be viewed using the same website link above.

The meeting is also available via remote participation, through Zoom.com, using the following login information:

Link to join Webinar: <https://us02web.zoom.us/j/85806277173>

By Phone: (646) 558-8656

Webinar ID: 858 0627 7173

ARTICLE ##

Amend Zoning Bylaws Section 164-40.4 Marijuana Establishments and Amend Zoning Bylaws Section 164-13 Schedule of Use Regulations

To see if the Town will vote to amend Section 164-40.4 Section A. Definitions to read as follows:

(**Bold underline** = new language ~~strikethrough~~ = language removed)

MARIJUANA COURIER

An entity licensed to deliver Finished Marijuana Products, Marijuana Accessories and Branded Goods directly to Consumers from a Marijuana Retailer, or directly to Registered Qualifying Patients or Caregivers from an MTC, but is not authorized to sell Marijuana or Marijuana Products directly to Consumers, Registered Qualifying Patients or Caregivers and is not authorized to Wholesale,

Warehouse, Process, Repackage, or White Label. A Marijuana Courier is an additional license type under M.G.L. c.94G, § 4(b)(1) that allows for limited delivery of Marijuana or Marijuana Products to Consumers; and shall not be considered to be a Marijuana Retailer under 935 CMR 500.002 or 500.050 and shall be subject to 935 CMR 500.050(1)(b).

MARIJUANA RETAILER

~~An entity licensed to purchase and transport cannabis or marijuana product from marijuana establishments and to sell or otherwise transfer this product to marijuana establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a marijuana establishment.~~

MARIJUANA RETAILER

An entity licensed to purchase, Repackage, White Label, and transport Marijuana or Marijuana Product from Marijuana Establishments and to Transfer or otherwise Transfer this product to Marijuana Establishments and to sell to Consumers. Unless licensed, retailers are prohibited from offering Marijuana or Marijuana Products for the purposes of on-site social consumption on the Premises of a Marijuana Establishment.

And further to amend the Section 164-13 Schedule of Use Regulations, to add the following new language, as follows:

(**Bold underline** = new language ~~strikethrough~~ = language removed)

<u>COMMERCIAL</u>	<u>R</u>	<u>RB</u>	<u>LB</u>	<u>GB</u>	<u>VC⁵</u>	<u>I</u>	<u>CD⁶</u>	<u>SC</u>	<u>MB</u>
<u>Marijuana Couriers</u>	<u>O</u>	<u>O</u>	<u>P</u>	<u>P</u>	<u>O</u>	<u>P</u>	<u>O</u>	<u>O</u>	<u>O</u>

Or to take any other action relative thereto.

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And further to amend the Section 164-13 Schedule of Use Regulations, to add the following new language, as follows:

(**Bold underline** = new language ~~strikethrough~~ = language removed)

<u>COMMERCIAL</u>	<u>R</u>	<u>RB</u>	<u>LB</u>	<u>GB</u>	<u>VC⁵</u>	<u>!</u>	<u>CD⁶</u>	<u>SC</u>	<u>MB</u>
<u>Marijuana Couriers</u>	<u>O</u>	<u>O</u>	<u>P</u>	<u>P</u>	<u>O</u>	<u>P</u>	<u>O</u>	<u>O</u>	<u>O</u>

Or to take any other action relative thereto.

ZONING

164 Attachment 1

Town of Orleans
Schedule of Use Regulations

[Amended 5-9-2005 ATM, Art. 34; 5-8-2006 ATM, Art. 23; 5-10-2010 ATM, Art. 25;
5-9-2011 ATM, Art. 28; 5-7-2012 ATM, Arts. 25, 27; 5-12-2014 ATM, Art. 29;
5-12-2014 ATM, Art. 31; 10-16-2017 STM, Art. 14; 10-29-2018 STM, Art. 7; 5-7-2018
ATM, Art. 41; 5-22-2021 ATM, Art. 62; 10-31-2020 STM by Art. 32; 10-31-2020 STM by
Art. 37; 5-9-2022 ATM by Art. 72]

P= Use Permitted O= Use Prohibited A= Use allowed: A, under Special Permit by
the Board of Appeals as provided in section 164-44

AGRICULTURAL	R	RB	LB	GB	VC⁵	I	CD⁶	SC	MB
Agricultural, horticultural, floricultural, aquaculture use, storage of fishing gear and uses customarily necessary thereto except piggeries on parcels of less than five acres. [ATM 5/1/78 Article 48]	P	P	P	P	P	P	P	P	P
Cultivation, propagation, storage and sorting buildings in connection with the operation of cranberry bogs	P	P	P	P	P	P	P	P	O
Roadside stand for display and sale of natural products, 100 s.f. in area or larger	O	P	P	P	P	O	O	O	O
INSTITUTIONAL	R	RB	LB	GB	VC⁵	I	CD⁶	SC	MB
Burial grounds operated by a non-profit organization established for the sole purpose of maintaining a cemetery ⁸ [ATM 5/10/93 Article 23]	P	O	O	O	O	O	O	O	O
Educational or municipal uses ⁷	P	P	P	P	P	P	P	P	P
Hospitals, sanatoriums or convalescent homes	O	P	P	P	O	O	O	O	O
Private clubs, except a club operated for profit or the chief activity of which is a service customarily carried on as a business, not providing sleeping accommodations for its members or their guests. [ATM 3/13/73 Article 46]	O	O	P	P	O	O	O	O	O
Religious use ⁷	P	P	P	P	P	P	P	P	P
RESIDENTIAL	R	RB	LB	GB	VC⁵	I	CD⁶	SC	MB
Apartments, subject to the conditions of § 164-31 [ATM 5/1/78 Article 57]	O	A	A	A	A	O	O	O	O
Boys' and girls' camps [ATM 3/13/73 Article 46]	O	O	O	O	O	O	A	O	O
Commercial structures with dwelling units, subject to § 164-32 [ATM	O	P	P	P	P	P	O	O	P

ORLEANS CODE

5/11/98 Article 25]

RESIDENTIAL	R	RB	LB	GB	VC⁵	I	CD⁶	SC	MB
Congregate housing (See § 164-40B)	A	A	A	A	A	A	O	O	A
Conversion of existing dwelling to multiple dwellings, subject to the conditions in § 164-28	O	P	P	P	P	O	O	O	O
Detached 1- or 2-family dwelling	P	P ¹	P	P	P	O	O	O	P ¹
Lodging house [ATM 5/8/84 Article 83]	O	A	A	A	A	O	O	O	O
Open Space Residential Development [ATM 5/7/90 Article 42]	P	O	O	O	O	O	O	O	O
The renting or leasing of not more than 2 rooms, nor to more than 4 persons, by a family resident in a dwelling unit [ATM 5/8/84 Article 81]	P	P	P	P	P	O	O	O	P
COMMERCIAL	R	RB	LB	GB	VC⁵	I	CD⁶	SC	MB
Amusement Park	O	O	O	O	O	O	O	O	O
Art gallery	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
Bakery	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
Bank	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
Barber	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
Beauty salon and beauty parlors	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
Bicycle repair and sales	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
Book store	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
Building, sale, rental, charter, storage and repair of boats	O	O	A	P ⁴	P ⁴	A ²	O	O	P ¹
Cobbler	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
Contractor Yard	O	O	A	A	O	P ⁴	O	O	O
Crafting and sale of handmade gifts	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
Dog Kennels or veterinary hospitals	O	O	O	O	O	P ⁴	O	O	O
Drive-in, drive-through or similar pickup stations	O	O	A	A	O	O	O	O	O
Drug store	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
Fabric yarn and art store	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
Filling Station or garage	O	O	O	P ⁴	O	P ⁴	O	O	O
Florist shop	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
Fruit and vegetable stand	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
General store (food and conveniences)	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
Gift Shops, antique shops	O	P ²	P ⁴	P ⁴	P ⁴	O	O	O	O

ZONING

COMMERCIAL	R	RB	LB	GB	VC ⁵	I	CD ⁶	SC	MB
Health club, fitness center	O	P ²	P ⁴	P ⁴	P ⁴	P ⁴	O	O	O
Hotel, Motels and motor inns subject to the conditions of § 164-26	O	O	P ⁴	P ⁴	A	O	O	O	O
Liquor store	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
Marinas	A	P ⁴	A	P ⁴	O	P ⁴	O	O	P ⁴
Marijuana cultivator, up to 5,000 s.f. ¹⁰	O	O	A	A	O	A	O	O	O
Marijuana cultivator, more than 5,000 s.f. ¹⁰	O	O	A	A	O	A	O	O	O
Craft marijuana cooperative	O	O	A	A	O	A	O	O	O
Marijuana product manufacturer	O	O	A	A	O	A	O	O	O
Marijuana retailer	O	O	A	A	O	A	O	O	O
Marijuana transporter	O	O	A	A	O	A	O	O	O
Marijuana research facility	O	O	A	A	A	A	O	O	O
Marijuana testing laboratory	O	O	A	A	A	A	O	O	O
Marijuana microbusiness	O	O	A	A	O	A	O	O	O
Medical Marijuana Facility	O	O	O	A	O	O	O	O	O
Miniature Golf Course	O	O	O	O	O	O	O	O	O
Mobile Food Establishment	O	P	P	P	P	O	O	O	P
Museum	O	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	O	O	O
New and Used Motor Vehicle Sales [5/12/2003 Article 22]	O	O	O	O	O	P ⁴	O	O	O
Newspaper or job printing	O	O	O	P ⁴	A	P ⁴	O	O	O
Offices	O	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	O	O	O
Photo store	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
Place of assembly [ATM 5/2/83 Article 61]	O	O	O	P ⁴	A	P ⁴	O	O	O
Places of Amusement other than Amusement Park or Miniature Golf Course. [ATM 5/11/92 Article 36]	O	O	O	A	A	A	O	O	O
Post office	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
Restaurant, fast food as defined in Section 164-4 [ATM 5/8/89 Article 14]	O	O	O	O	O	O	O	O	O
Restaurant, formula-based	O	O	A	A	O	A	O	O	O
Restaurants with entertainment and sale or dispensation of alcoholic beverages	O	O	A	P ⁴	P ⁴	O	O	O	O
Restaurant without entertainment	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
Restaurants without alcoholic beverages	O	O	A	P ⁴	P ⁴	A ²	O	O	P ¹
Retail Business	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O

ORLEANS CODE

COMMERCIAL	R	RB	LB	GB	VC⁵	I	CD⁶	SC	MB
Retail sale of fishing bait, fish and shellfish	O	A ²	A	P ⁴	P ⁴	A ²	O	O	P ¹
Retail sale of marine fishing and boating supplies	O	A ²	A	P ⁴	P ⁴	A ²	O	O	P ¹
Sale of agricultural, landscaping supplies (as a primary use) [5/13/2002 Article 24]	O	O	A	P ⁴	O	P ⁴	O	O	O
Service or public utility	O	O	A	P ⁴	O	P ⁴	O	O	O
The retail sale of agricultural, farming, gardening and landscaping needs and supplies, processing of trees, stumps and brush. [ATM 5/4/81 Article 34]	O	O	A	P ⁴	O	P ⁴	O	O	O
TV repair	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
WHOLESALE AND STORAGE	R	RB	LB	GB	VC⁵	I	CD⁶	SC	MB
Sale of fishing bait, fish and shellfish	O	O	O	O	O	A	O	O	P
Wholesale Business	O	O	O	O	O	P	O	O	O
INDUSTRY AND MANUFACTURING	R	RB	LB	GB	VC⁵	I	CD⁶	SC	MB
Light Industry or manufacturing	O	O	O	A	A	P	O	O	O
OTHER USES	R	RB	LB	GB	VC⁵	I	CD⁶	SC	MB
Amateur Radio Tower	P	P	P	P	P	P	P	P	P
Commercial and non-commercial Wind Energy Facilities [ATM 5/10/04 Article 23]	A	A	A	A	O	A	A	A	A
Communication Appurtenance (excluding towers and monopoles) [ATM 5/19/97 Article 29]	O	A	A	P	A	P	O	O	O
Communication Buildings [ATM 5/19/97 Article 29]	O	O	A	P	A	P	O	O	O
Communication Monopole [ATM 5/19/97 Article 29]	O	O	O	A	O	P	O	O	O
Communication Towers [ATM 5/19/97 Article 29]	O	O	O	O	O	A	O	O	O

ZONING

ACCESSORY USE	R	RB	LB	GB	VC ⁵	I	CD ⁶	SC	MB
Accessory dwelling (See § 164-40A) [ATM 5/6/85 Article 63]	P	P	P	P	P	P	O	O	P
Accessory scientific use (see § 164-16) [ATM 5/1/78 Article 48]	A	A	A	A	A	A	A	A	A
Building for the raising, boarding or breeding of dogs or livestock by principal occupant of agricultural premises	A	P	A	O	O	O	O	O	O
Garage, barn and boathouse for the principal occupant of residential premises [STM 6/8/72 Article 16]	P	P	P	A	A	O	O	O	P
Guest House	P	P ⁴	P	O	O	O	O	O	P ⁴
Roadside stand, for products raised on the premises, less than 100 s.f. in area	P	P	P	P	P	P	P	P	P
Shed or other building to house maintenance equipment and supplies for apartment complex [ATM 5/6/82 Article 49]	O	A	A	A	A	O	O	O	O
Storage Trailers	O	O	O	O	O	P ⁹	O	O	O
The use of a room or rooms in a dwelling, the use of premises or buildings thereon by resident occupants for a recognized profession and for customary home occupations as defined in § 164-4	A	P	P	O	O	O	O	O	P

NOTES:

- (1) Intending that the retail business be incidental to and directly related to permitted use. [ATM 3/13/73 Article 46]
- (2) Total retail business floor area, exclusive of storage and office space, shall be limited to 1,500 sq. ft. per business. No parking within the Front and Side yard setbacks is permitted.
- (3) Must conform to minimum lot size currently in force in the Residential District. Any lot which existed prior to March 9, 1971 which contains 15,000 sq. ft. but less than the current minimum area may be used for a single-family dwelling but not for a two-family dwelling or a guest house, or any lot which existed prior to August 2, 1973 containing at least 20,000 sq. ft. but less than the current minimum area may be used for a single-family dwelling but not for a two-family dwelling or a guest house.
- (4) Except "A" if creating more than 2,500 square feet of gross floor area in commercial use whether through new construction, addition, or change of use. Such special permits are subject to § 164-38 and § 164-39. The calculation of the total gross floor area in commercial use shall include all existing and proposed floor area.
- (5) See § 164-19.1 for possible exclusions in the VC District.

ORLEANS CODE

- (6) Certain uses may require a Special Permit under Section 164-15-B (7). [STM 11/18/91 Article 3]
- (7) See Section 164-40-2 for dimensional, parking and other requirements for Educational, Municipal and Religious Uses. [STM 11/18/91 Article 3]
- (8) Said use shall be conducted in accordance with the requirements of the Board of Health imposed pursuant to General Laws, Chapter 114, Section 34, and may be carried on only in that portion of the Residence District R designated "d" on the existing zoning map which area is more specifically shown on a plan of land entitled "Topographic Plan of Land located in Orleans, MA prepared for Orleans Cemetery Association Scale 1" = 50', December 7, 1992 Revised February 24, 1993", a copy of which is on file in the Office of the Board of Health, Orleans Town Hall. [ATM 5/10/93 Article 23]
- (9) See § 164-27 for storage trailer requirements.
- (10) Area limitation refers to canopy as defined in 935 CMR 500.02.