

TOWN OF SCITUATE

Planning Board



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**LEGAL NOTICE
NOTICE OF PUBLIC HEARING ON PROPOSED CHANGES
TO THE ZONING BYLAW
SCITUATE PLANNING BOARD**

Notice is hereby given pursuant to M.G.L. Chapter 40A Section 5 that a Public Hearing will be held by the Scituate Planning Board on Thursday, February 10, 2022 at 7:30 P.M. in the Select Board Hearing Room, Town Hall, 600 Chief Justice Cushing Highway, Scituate, Massachusetts to consider amendments to the Scituate Zoning Bylaw as described below. These amendments will appear as articles on the Warrant for the Annual Town Meeting commencing April 11, 2022. All references below to Sections refer to sections of the Zoning Bylaw.

1. Section 440.5 – Business Districts - Amend the zoning bylaw by adding “and VCN Districts” in the first sentence after B District so that the wording reads “In a B District and VCN District”.
2. Section 620.3 - Setback and Yard Requirements – Amend the zoning bylaw by changing Required Side Yard Distance in the R-3 District from 8 feet to 15 feet.
3. Section 610.1 – Lot Area and Width Requirements – Add a new section B. to read “Any lot, created after April 11, 2022, shall have dimensions sufficient that a circle of 50 feet diameter can be drawn tangent to any property line at all points without the boundaries of said circle passing over the opposite property line.”
4. Marijuana
 - A. Section 200 – Definitions – Insert into Section 200 definitions currently located in Section 491.1B “Definitions” with the addition of the following definitions related to marijuana: Canopy, Marijuana Courier, Marijuana Delivery Operator, Marijuana Transporter, Medical Marijuana Treatment Center (MTC) (Formerly known as Registered Marijuana Dispensary or RMD).
 - B. Section 200 – Definitions – Delete the definition of Registered Marijuana Dispensary
 - C. Section 420 – Table of Use Regulations – add 2.F. Marijuana Cultivator with “SP” in DBP District and “N” in all other districts; add 2 G. Marijuana Product Manufacturer with “SP” in DBP District and “N” in all other districts; change 3 EE. From Registered marijuana

dispensary to Medical Marijuana Treatment Center (MTC); change GG. From Marijuana Establishment to Marijuana Retailer with "SP" allowed in B, GVC, GWB, NDTV, NRN, DBP, VC and OV Districts and all other districts "N"; add HH. Marijuana Delivery Operator or Marijuana Courier and II. Marijuana Transporter with uses by "SP" in GCV, GWB, NDTV, NRN, DBP, NCR, DCR, VC and OV and all other districts "N" and 4. Add M. Marijuana Testing Facility with "SP" uses in the GVC, GWB, NDTV, NRN, DBP, NCR, DCR, VC and OV districts and "N" in all other districts.

- D. Section 440.2 - Delete Registered Marijuana Dispensaries in its entirety and add the new section Medical Marijuana Treatment Centers (MTC).
- E. Section 440.3 – Add a new section Marijuana Establishments (Adult Use Marijuana Establishments).
- F. Renumber existing Section 440.3 to 440.4 Garage for Commercial Vehicles; renumber existing Section 440.4 to 440.5 Business Accessory Use; renumber existing Section 440.5 to 440.6 Business Districts
- G. Section 491 Temporary Moratoria – Delete in its entirety.
- H. Section 492 Prohibition of Marijuana Establishments – Delete in its entirety

5. Section 800 - Nonconforming Structures and Uses

- A. Amend Section 810 – Structures and Uses Already in Existence – Alteration, Repair and Reconstruction of Nonconforming Structures ("Alteration") so that any structure or use of land or structure, lawfully existing as of the effective date of this bylaw or any construction or operation for which a building or other permit has been issued prior to the effective date of this bylaw may be continued, unless or until abandoned or not used for a period of four years or more. The Zoning Board of Appeals may waive this time limit for good cause. No nonconforming use, once abandoned or not used for a period of four years or more, shall be allowed to be restored as a nonconforming use and no nonconforming use, if changed to a conforming use, shall revert to a nonconforming use.

The Building Commissioner may permit the Alteration of a lawful, dimensionally nonconforming structure, provided, if the structure is nonconforming solely because of insufficient lot frontage, lot area, or both, if the proposed Alteration meets all dimensional requirements for front, side and rear setbacks, and maximum height. No Alteration which would increase the gross floor area of the nonconforming structure by more than 20% may be permitted by the Building Commissioner.

The Building Commissioner may permit the Alteration of a lawful, dimensionally nonconforming structure with sufficient lot frontage and lot area, where said structure is nonconforming as to a dimensional requirement for front, side or rear setbacks or maximum height, if the Alteration meets all such dimensional requirements. ~~No Alteration which would increase the gross floor area of the nonconforming structure by more than 20% may be permitted by the Building Commissioner.~~

In all other instances of Alteration governed by this bylaw, the applicant may petition the Board of Appeals for a finding under M.G.L. c.40A s 6. The Alteration of such a structure so as to increase an existing nonconformity, or create a new nonconformity, shall require the issuance of a variance.

- B. Section 810.3 Nonconforming Structures Other Than Single and Two Family - Delete in its entirety as the language has been added to Section 810.
- C. Section 830 – Repair and Restoration of Nonconforming Structures and Uses – Delete in its entirety

The text of the current Zoning Bylaw and the complete text of the proposed amendments to the Zoning Bylaw are available for inspection during the normal hours of business of the Scituate Town Hall at the offices of the Town Clerk and the Planning Board at Town Hall, 600 Chief Justice Cushing Highway, Scituate, Massachusetts and on the Town of Scituate website on the Planning Board web page under proposed bylaw changes. Any person wishing to comment on these proposed zoning amendments should appear at the public hearing at the time and place designated above. ~~Written~~ comments on the zoning amendments will also be accepted by the Planning Board prior to the public hearing.

Ann Burbine, Chair, Scituate Planning Board