**Article \_\_\_**

Add the following sub-section to SECTION 6.0 – SPECIAL PERMITS AND FINDINGS of theShelburne Zoning Bylaws

6.8 Zoning Board of Appeals: Except as otherwise specified in any Town Bylaw, the Zoning Board of Appeals shall serve as the Special Permit Granting Authority (“SPGA”) for the Town.

Delete the following Definition and Use from the Shelburne Zoning Bylaws

**Article \_\_\_**

**SECTION 2.0 – DEFINITIONS**

~~Municipal or Non-Profit Trail: any trail, walkway or pathway open to the general public and intended for non-motorized, except mobility assisting devices used by handicapped persons, recreational use. Such trails shall have barriers at the start and finish, and shall be designed to avoid private lands and return users to public ways. The Trail shall have appropriate signage indicating the beginning and ending of the Trail and directing users away from private lands near the Trail.~~

**4.3 TABLE OF USE REGULATIONS:**

**Agricultural\*\*\* & Recreational Uses RA VR VC C I**

~~Municipal or Non-Profit Trail SP SP SP SP SP~~

**Article \_\_\_**

**Proposed Zoning Bylaw Revisions**

Add the following to **SECTION 2.0 – DEFINITIONS** of the Shelburne Zoning Bylaws

**Mobile Food Establishment (MFE):** Any trailer, truck, cart, wagon, or towable unit designed or equipped to cook, or prepare, or serve food or beverages permitted under the Retail Food Code (105 CMR 590.000).

**TABLE 4.3 TABLE OF USE REGULATIONS**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Mobile Food Establishment (MFE)** | **RA** | **VR** | **VC** | **C** | **I** |
| Mobile Food Establishment, on street | SP | SP | SP | SP | N |
| Mobile Food Establishment, on sidewalk | SP | N | N | SP | N |
| Mobile Food Establishment, off street/sidewalk  | SP | N | N | SP | N |

**SECTION 22 - MOBILE FOOD ESTABLISHMENTS**

1. MFE vendors shall obtain a Food Establishment or Temporary Food Establishment permit from Franklin County Cooperative Public Health Service (CPHS) pursuant to 105 CMR 590.000 State Sanitary Code - Minimum Sanitation Standards for Food Establishments (<https://frcog.org/inspections-permits/health/>). Issuance of the CPHS permit is a prerequisite for the Special Permit application to the Shelburne Zoning Board of Appeals (ZBA).
2. In addition to the Special Permit Criteria in Section 6.6, the ZBA will consider the following impacts before granting a MFE Special Permit:
	1. Impact on nearby residences and businesses
	2. Sanitation arrangements and conditions
	3. Noise, odors, or other disruptions to the surrounding area
	4. Fire safety (Fire Department sign off may be required)
3. Operating Requirements for MFE Vendors
	1. MFE vendors may only operate at specifically approved public or private locations at specifically approved times as indicated in the Special Permit conditions.
	2. MFE vendors shall operate between the hours of 7:00am and 9:00pm, unless otherwise permitted by the ZBA Special Permit conditions. MFE vendors in Village Commercial (VC) and Village Residential (VR) zoning districts shall not remain overnight.
	3. If located on Town property or the Town Right of Way, the MFE vendor shall provide evidence of comprehensive liability insurance in an amount to be specified by the ZBA in the conditions for the permit. The certificate of insurance shall list the Town of Shelburne as an additional named insured.
	4. MFE vendors shall not deploy any free-standing sign or flags unless specifically permitted by the ZBA and in compliance with local Zoning Bylaws.
	5. MFE vendors shall not deploy tables or seating unless specifically permitted by the ZBA.
	6. MFE vendors shall not be positioned to expose customers or the public to vehicular traffic, or otherwise in an unsafe manner.
	7. MFE vendors shall make specific provisions for potable water, electricity, electric lighting if operated 30 minutes before sunrise and 30 minutes after sunset, collection and proper removal of recycling, trash, and wastewater.
	8. MFE vendors shall ensure that the approved area is kept clean, neat, and sanitary at all times. Reliance on the use of municipal trash receptacles is not permissible.

**Article \_\_\_ *(Town Bylaw? Or Zoning Bylaw?)***

**Section ??.0 - Role of the Planning Board**

23.1 The Planning Board shall have four basic roles: Long-range planning; reviewing and making decisions regarding proposed land development; proposing changes to the Zoning Bylaw and Zoning Map; and offering its opinion and recommendations to other Town Boards and Committees, as requested from time to time.

23.2 Long-Range Planning duties shall include:

 23.21 Arranging for careful studies from time to time as required.

 23.22 Preparing plans with respect to growth and development, use of natural resources, transportation, housing, and long-term economic, environmental, social, and infrastructure resilience and security. Seeking ways and means to implement and finance those plans to realize their success.

 23.23 Adopting Subdivision Control Regulations or other regulations as required by the Zoning Bylaw.

23.3 Reviewing and making decisions regarding proposed land development shall include:

 23.31 Reviewing Proposed “Approval Not Required” and Subdivision plans.

 23.32 Serving as the Special Permit Granting Authority (“SPGA”) with respect to Common Driveway permits or as designated in the Zoning Bylaw.