



Town of Charlton

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DEPARTMENT of BUILDING
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Advisory Zoning Opinion September 28, 2018

Principal Uses and Accessory Uses

In answer to the question, is it permissible to build an 18MW power generating system to support the principal use of a horticultural/floricultural facility in an agricultural zone; my answer is yes. If the 18MW power generating system was the principal use, this would not be an allowed use in an agricultural zone.

The principal use on a property is the main and or the most intense use of the parcel. For example; a single family home, retail store, business office or restaurant.

An accessory use is; customarily, incidental and or subordinate to the principal use or building located on the same lot as the principal use or building. For example; a detached garage for the single family home, the parking lot for the retail store, business office or restaurant, or a kiosk drive through in the parking lot of a mall.

If the major use of the property is an independent parking area (parking not associated with a building) the ticket booth would then be accessory to the parking area, the parking lot would be the principal use.

In most cases the extreme ends of the scale are easy to define, that is the difference between principal and accessory, the hard distinction is the question what is; customarily, incidental and or subordinate.

Fay Mountain Farm grows apples on the large portion of the property, say 40 acres; additionally they grow other fruits and vegetables say 10 acres. The farm has a retail store on the property 2000 square feet in size, where they sell the products of the farm and some honey from a local beekeeper that is located in another part of town. The retail store would be an accessory use of the farm, an easy determination.



Curtis Meskus - Building Commissioner/Zoning Enforcement Officer
William LePage Local Inspector
Peter Starkus - Plumbing & Gas Inspector
Joseph Ostrowski - Inspector of Wires
Nancy Shields - Administrative Assistant

Now Fay Mountain Farm decides to bake apple pies, the proprietor obtains some commercial kitchen equipment, a big mixer, ovens and dough press and bakes a few hundred pies for the fall and winter holidays, again an easy determination, accessory to the farm.

ABC bakery, which brings in apples and ingredients by truckload, has a 10 apple trees out front and uses a couple of bushels of the front yard apples each year, this is an easy determination they are not a farm, this is a bakery, most likely a manufacturing use.

A green house that grows roses, 500,000 square feet of growing, 10,000 square feet of enclosed power generation, additional areas each 10,000 square feet; cutting, sorting, pressing where the rose smell is extracted, office/employee area, shipping room, and an outside chiller for air conditioning.

The principal use is floricultural, the accessory uses include all the other areas and equipment that supports the principal use provide those areas are customarily, incidental and or subordinate.

If for example the power use for the green house was 10,000 units and the generating capacity was 10,000 units, the generator is supporting the principal use. If from time to time there was excess capacity from the generator that was available for sale on the electric grid that would still be an accessory use. If the owner was to put in a 30,000 unit generator and sells 20,000 units to the power company on a regular basis that may not be an accessory use.

Please be advised that this opinion is advisory only, does not constitute a decision or order for purposes of G.L. c.40A, §15, may not be relied upon for any purpose, nor shall any determination be final until such time as a building permit is issued. Please also be advised that this opinion is based upon the current Zoning Bylaws of the Town. It is always the applicant's responsibility to ensure the proposed work, use or activity complies with all applicable laws, regulations, licensing and permit requirements and employ such professionals as needed to obtain any and all permits or approvals required.

Curtis Meskus
Building Commissioner
Zoning Enforcement Officer