



TOWN OF NORTHBOROUGH PLANNING DEPARTMENT

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2017 ZONING BYLAW AMENDMENTS

The following general code and zoning bylaw amendments were approved at the 2017 Annual Town Meeting on April 24, 2017. These changes are effective immediately. Please contact Kathy Joubert, Town Planner at kjoubert@town.northborough.ma.us or 508-393-5019 if you have any questions.

Chapter 2-18 STRETCH ENERGY CODE

§ 2-18-010 Definitions

§ 2-18-020 Purpose

§ 2-18-030 Applicability

§ 2-18-040 Stretch Code

§ 2-18-010 Definitions

International Energy Conservation Code (IECC) - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

§ 2-18-020 Purpose

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for new buildings.

§ 2-18-030 Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 115.AA, as indicated.

§ 2-18-040 Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Town of Northborough General Bylaws, Chapter 2-18.

The Stretch Code is enforceable by the inspector of buildings or building commissioner and effective as of July 1, 2017.

Section 7-05-020 Classification of uses, I. Industrial uses, 2. Research and development, by adding the text shown underlined and deleting the text shown in strikethrough.

2. Research and development: An establishment or other facility for carrying on investigation in the natural, physical or social sciences, including, but not limited to, research and development of renewable or alternative energy technologies, or engineering and development as an extension of investigation with the objective of creating end products and the accessory development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing, ~~provided such operations employing only electric or other substantially noiseless and inoffensive motor power, and are~~ free from neighborhood disturbing agents such as odors, gas, fumes, smoke, cinders, refuse matter, electromagnetic radiation, heat, vibration, or noise, and further; provided that all accessory operations and storage of materials or finished goods are located entirely within an enclosed building ~~and there is no outside storage of materials or finished goods.~~

Section 7-05-030 Table of Uses, Table 1, Table of Uses. Part B. Commercial and Industrial Districts by deleting the text shown in strikethrough and adding the text shown underline.

USES	DB	BE	BW	BS	HB	I
Vehicle Sales and Service						
Auto filling or service station	N	N	N	N	BA	PB
Auto repair shop	N	BA <u>N</u>	BA <u>N</u>	BA	BA	PB
Auto body shop	N	N	BA <u>N</u>	N	BA	PB
Auto sales	N	N	N	N	BA	PB
Commercial parking	N	BA	BA	N	BA	PB

Section 7-05-030 Table of Uses, footnote 9 and Section 7-06-030 Supplemental Regulations, J. Supplemental density and dimensional regulations for certain use classes, by deleting the text shown in strikethrough and adding the text shown underlined.

Section 7-05-030 Table of Uses, footnote 9

9. The maximum number of multifamily units on a lot shall be ~~eight (8)~~ six (6) units by special permit in the Downtown Business and Business West Districts.

Section 7-06-030 J. Supplemental density and dimensional regulations for certain use classes

J. Supplemental density and dimensional regulations for certain use classes.

(1) Where vertical or horizontal mixed-use developments or multifamily or townhouse developments are allowed as of right or by special permit in a business district, the minimum lot area shall be determined as follows:

(a) In the Downtown Business District, for vertical or horizontal mixed-use developments, four thousand (4,000) square feet for the first two (2) units and two thousand five hundred (2,500) square feet per unit for each unit over two (2); and for multifamily or townhouse developments, ten thousand (10,000) square feet for the first two (2) units and three thousand five hundred (3,500) square feet per unit for each unit over two (2).

(b) In the Business East District, for vertical mixed-use developments, twenty thousand (20,000) square feet for the first two (2) units and three thousand five hundred (3,500) square feet per unit for each unit over two (2).

(c) In the Business West ~~and Business South Districts~~, for vertical or horizontal mixed-use developments, forty thousand (40,000) square feet for the first two (2) units and five thousand (5,000) square feet per unit for each unit over two (2); and for multifamily developments, twenty thousand (20,000) square feet for the first two (2) units and ~~three thousand five hundred (3,500)~~ seven thousand (7,000) square feet per unit for each unit over two (2).

(d) In the Business South District, for vertical or horizontal mixed-use developments, forty thousand (40,000) square feet for the first two (2) units and five thousand (5,000) square feet per unit for each unit over two (2).

Section 7-10-020 Common Driveways by deleting the text shown in strikethrough and adding the text shown underlined.

~~A. Common driveways may be allowed by special permit by the Planning Board, subject to the requirements of this section.~~

~~(1) For a common driveway serving two (2) lots:~~

~~(a) The centerline intersection with the street centerline shall not be less than sixty degrees (60°);~~

~~(b) A minimum cleared width of twelve (12) feet shall be maintained over its entire length;~~

~~(c) A minimum roadway surface of four (4) inches of graded gravel, placed over a properly prepared base, graded and compacted to drain from the crown shall be installed; and~~

~~(d) The driveway shall be located entirely within the boundaries of the lots being served by the driveway.~~

~~(2) A common driveway serving three (3) or more lots shall conform to the minimum road construction standards in the Northborough Rules and Regulations of Subdivision Control.~~

~~(3) Proposed documents shall be submitted to the Planning Board demonstrating that, through easements, restrictive covenants, or other appropriate legal devices, the maintenance, repair, snow removal, and liability for the common driveway shall remain perpetually the responsibility of the private parties or their successors in interest.~~

A. Common driveways may be allowed by special permit by the Planning Board, subject to the requirements of Section 10-36-130 of the Northborough Subdivision Rules and Regulations.

Section 7-10-060
TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA
ESTABLISHMENTS

- A. Purpose. On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016; Chapter 351 of the Acts of 2016) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses on April 1, 2018. Currently under the Zoning Bylaw, a non-medical Marijuana Establishment (hereinafter, a “Recreational Marijuana Establishment”), as defined in G.L. c. 94G, §1, is not specifically addressed in the Zoning Bylaw. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.
- B. Definition. "Recreational Marijuana Establishment" shall mean a “marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.”
- C. Temporary Moratorium. For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through June 30, 2018 or until such time as the Town adopts Zoning Bylaw amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

Section 7-10-070
TEMPORARY MORATORIUM ON TWO-FAMILY DWELLINGS

A) Purpose. The Town of Northborough has recently seen a significant increase in the number of two-family dwelling units being constructed which potentially could affect the Town as a whole. Smaller single-family homes approximately 1000 square feet in size are being torn down and replaced with a two-family dwelling unit approximately 4000 square feet in size. There is an identifiable community need to establish long-term zoning regulations to ensure that such structures are consistent with the existing neighborhoods and the Town's long term planning interests. The Town intends to adopt a temporary moratorium on the use of land and the construction of two-family dwelling units, and the issuance of special or building permits in connection with the same so as to allow the Town sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

B) Definitions.

Two-family dwelling: A detached residential building designed or intended or used exclusively as the home or residence of two (2) families. A two-family does not include a detached single-family dwelling with an accessory dwelling.

C) Temporary Moratorium

Notwithstanding any other provision in the Town of Northborough Zoning Bylaw to the contrary, no special or building permit may be issued for the construction of any two-family dwelling unit, until after May 1, 2018. The purpose of this temporary moratorium is to allow sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.