



TOWN OF NORTHBOROUGH PLANNING BOARD

Town Hall Offices • 63 Main Street • Northborough, MA 01532 • 508-393-5019 • 508-393-6996 Fax

This packet contains changes made at the March 6, 2018 Planning Board public hearing.

Public Hearing Notice Northborough Planning Board

In accordance with MGL Ch. 40A Sec. 5 the Northborough Planning Board will hold a public hearing on March 6, 2018 at 7:00pm at the Northborough Town Hall, 63 Main Street, Northborough MA for the purpose of seeking public opinion on proposed amendments to the following sections of the Northborough Zoning Bylaw (Chapter 7). Complete text of the proposed amendments is available at the Planning Department, Town Clerk's office, and at www.town.northborough.ma.us.

Section 7-05-010 General Provisions G. Prohibited Uses by adding (3) Marijuana Establishments to be a prohibited use.

Section 7-05-030, Table of Uses, Table 1, Parts A and B, by adding Marijuana Establishment and Medical Marijuana Treatment Center to be prohibited in all zoning districts and add footnote 9 to Part A and footnote 13 to Part B which prohibits use variances for marijuana establishment, medical marijuana treatment center, or sale of marijuana accessories.

Section 7-05-020 adding G(7)(g) definition of Marijuana Establishments.

Section 7-05-030, Table of Uses, Table 1, Part B, by adding Marijuana Establishments to be allowed in HB zoning district and prohibited in DB, BE, BW, BS and I zoning districts and Marijuana Social Consumption Operations to be prohibited in DB, BE, BW, BS, HB and I zoning districts.

Section 7-10-080 adding new section for Marijuana Establishments.

Section 7-05-030, Table of Uses, Table 1, Part A, by adding Two-family dwelling to be prohibited use in the RA and RB zoning districts and an allowed use by Special Permit from Planning Board in RC, GR, MSR and DN zoning districts.

Section 7-05-030, Table of Uses, Table 1, Part A, Two-family dwelling, by deleting existing language of footnote 3 and replacing with new language for footnote 3.

Section 7-03-060, Design Review, add B(e) to read In the RC, GR, MSR and DN districts, any special permit application to the Planning Board for a two-family dwelling.

Section 7-06, Density and Dimensional Regulations, Table 2, amend table by inserting 35 in the column labeled Maximum Height, Feet, for the RA, RB, RC, GR, MSR and DN districts.

Section 7-06, Density and Dimensional Regulations, Table 2, add reference to new footnote 3 next to each of the following district abbreviations: RC, GR, MSR and DN and add new footnote 3 below the table to read See Sec. 7-06-030(J)(5) for lot regulations that apply to two-family dwellings.

Section 7-06-030(J), add new subsection 5 pertaining to new minimum lot areas, minimum lot frontages, minimum lot widths, and minimum yard setbacks for two-family dwellings in the RC, GR, MSR and DN districts.

Section 7-03-050 Site Plans C. Site Plan Approval (4) by deleting reference to (B)(2) and replacing it with C(2)(b).

Please contact Kathy Joubert, Town Planner if you have any questions.

Cc John W. Coderre, Town Administrator
Robert Frederico, Inspector of Buildings/Zoning Enforcement Officer
Chris Lund, Local Building Inspector
Zoning Board of Appeals
Design Review Committee
Board of Selectmen

ARTICLE

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Section 7-03-050 Site Plans C. Site plan approval; Planning Board (4), by adding the text shown underlined and deleting the text shown in strikethrough, or take any action relative thereto.

4. The Planning Board may deny a site plan only if the proponent's submission does not include the specific information required to make the determinations under subsection ~~(B)(2)~~ C(2)(b) of this section.

ARTICLE (revised 03.06.18)

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, as follows, or take any action relative thereto:

A. in Section 7-05-010, General Provisions, by adding a new paragraph (3) to subsection G, Prohibited Uses, shown below as underlined:

(3) Marijuana Establishments:

(a) Consistent with G.L. c.94G, § 3(a)(2), all types of non-medical “marijuana establishments” as defined in G.L. c.94G, §1, including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Northborough. This prohibition of marijuana establishments specifically includes any establishment engaged in the on-site social consumption of marijuana or marijuana products as either a primary or accessory use, and shall include private social clubs or any other establishment which allows for social consumption of marijuana or marijuana products, regardless of whether the product is sold to consumers on-site. In addition, the sale of marijuana accessories, as defined in G.L. c.94G, §1 and any other applicable law or regulation, shall be prohibited within the Town of Northborough.

(b) All medical marijuana treatment centers, as defined under Chapter 94I of the General Laws and any other applicable law or regulation governing the medical use of marijuana, shall be prohibited within the Town of Northborough.

B. in Section 7-05-030, Table of Uses, by inserting an entry for “Marijuana Establishment” and an entry for “Medical Marijuana Treatment Center” in Parts A and B under the category for “Other Business Uses,” and placing an “N”, for Prohibited, in all zoning district columns, as shown below, and including the following footnotes for each entry:

⁹Notwithstanding the provisions of Section 7-03-030 or any other provision of this Zoning Bylaw, no use variance for a marijuana establishment, medical marijuana treatment center, or sale of marijuana accessories shall be permitted.

¹³Notwithstanding the provisions of Section 7-03-030 or any other provision of this Zoning Bylaw, no use variance for a marijuana establishment, medical marijuana treatment center, or sale of marijuana accessories shall be permitted.

ARTICLE

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, as follows, or take any action relative thereto.

- A) By adding paragraph G.(7)(g) to Section 7-05-020 of Chapter 7-05 Use Regulations, as shown below in the underlined text:

G.(7)(g) Marijuana Establishments: Consistent with G.L. c.94G, § 3(a)(2), all types of non-medical “marijuana establishments” as defined in G.L. c.94G, § 1, including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers and any other types of licensed marijuana-related businesses.

- B) By adding a new entry for “Marijuana Establishments” and “Marijuana Social Consumption Operations” to Section 7-05-030 of said Chapter 7-05, Table 1, Table of Uses. Part B. Commercial and Industrial Districts, as shown below in the underlined text:

| Table 1. Table of Uses. Part B. Commercial and Industrial Districts | | | | | | |
|---|----------|----------|----------|----------|----------|----------|
| Uses | DB | BE | BW | BS | HB | I |
| Other Business Uses | | | | | | |
| <u>Marijuana Establishments</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>Y</u> | <u>N</u> |
| <u>Marijuana Social Consumption Operations</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> |

- C) By adding to Chapter 7-10 Special Regulations, a new Section 7-10-080 Marijuana Establishments, as shown below in the underlined text:

7-10-080 Marijuana Establishments

- A. Purpose. To provide for the placement of Marijuana Establishments in accordance with G.L. c.94G, §3, and any other enabling authority, in locations suitable for lawful marijuana establishments and to minimize adverse impacts of marijuana establishments on adjacent properties, residential neighborhoods, historic districts, schools, playgrounds and other locations where minors congregate by regulating the siting, design, placement, security, and removal of marijuana establishments.
- B. Definitions. Where not expressly defined in the Northborough Zoning Bylaw, terms used in this Section 7-10-080 shall be interpreted as defined in G.L. c.94G, § 1 and the regulations of the Massachusetts Cannabis Control Commission at 935 CMR 500, and otherwise by their plain language.

1. Marijuana Establishments: All types of non-medical “marijuana establishments” as defined in G.L. c.94G, § 1, including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers and any other types of licensed marijuana-related businesses.
2. Marijuana Social Consumption Operations: Operations of entities licensed to purchase or otherwise acquire marijuana from licensed marijuana establishments and sell single servings of marijuana to consumers for consumption or use on the premises, pursuant to regulations of the Massachusetts Cannabis Control Commission or otherwise.

C. Location.

1. Marijuana Establishments may be permitted in the Highway Business district by right.
2. Marijuana Establishments may not be located within 500 feet of the following:
 - a. School, including a public or private elementary, vocational, or secondary school providing education in kindergarten or any of grades 1 through 12;
 - b. Licensed child care facility;
 - c. Library;
 - d. Playground;
 - e. Public park;
 - f. Youth center;
 - g. Public swimming pool;
 - h. Video arcade facility; or
 - i. Similar facility in which minors commonly congregate.
3. The distance under this section is measured in a straight line from the nearest point of the property line of the protected use facility identified in Section C.2. to the nearest point of the proposed Marijuana Establishment.
4. The distance requirement may be reduced by twenty-five percent or less, but only if:
 - a. The applicant demonstrates that the Marijuana Establishment would otherwise be effectively prohibited within the Town;
 - b. The applicant demonstrates that the Marijuana Establishment will employ adequate security measures to prevent diversion of marijuana to persons under 21 years of age.

D. Procedure: An applicant proposing to operate a Marijuana Establishment shall submit with its building permit application the following information. If no building permit is required, the information shall be submitted with the request for an occupancy permit.

1. A detailed floor plan of the premises that identifies the square footage available and describes the functional areas of the Marijuana Establishment, including areas for any preparation of products;

2. A description of the operating policies and procedures, including employee security policies, for the Marijuana Establishment as identified in the license application submitted to, or the license issued by, the Cannabis Control Commission;
3. A copy of proposed waste disposal procedures;
4. Hours of Operation, including dispatch of deliveries to customers.

E. Reporting.

1. A Marijuana Establishment shall file a copy of any report required to be made to local law enforcement under 935 CMR 500 with the Zoning Enforcement Officer within 24 hours of making the same. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations;
2. A Marijuana Establishment shall file a copy of any summary cease and desist order, cease and desist order, quarantine order, summary suspension order, order limiting sales, notice of hearing, or other disciplinary or enforcement action issued or taken by the Cannabis Control Commission regarding the Marijuana Establishment with the Zoning Enforcement Officer within 48 hours of receipt by the RMD;
3. A Marijuana Establishment shall provide to the Zoning Enforcement Officer and Chief of the Police Department, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the Marijuana Establishment; and
4. A Marijuana Establishment shall notify the Zoning Enforcement Officer in writing within 48 hours of the cessation of operation of the establishment or the expiration or termination of the license or permit issued for such operation by the Cannabis Control Commission.

F. Prohibition against Nuisances. No use shall be allowed under this Section 7-10-080 which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

G. Severability. The provisions of this Section are severable. If any provision, paragraph, sentence, or clause of this Section or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Section.

(D) By adding to Section 7-03-030 B. (2) However, no use variance for a marijuana establishment, marijuana social consumption operation, medical marijuana treatment center, or sale of marijuana accessories shall be permitted.

ARTICLE (revised 03.06.18)

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Sections 7-03, 7-05 and 7-06 by deleting the text shown in strikethrough and adding the text shown as underlined, or take any action relative thereto.

Part 1. Amend Chapter 7-05-030, Table of Uses, Table 1, Part A, Residential Districts, as follows:

| USES | RA | RB | RC | GR | MSR | DN |
|--|----|----|-----------|-----------|-----------|-----------|
| <u>Two-family dwelling³</u> | N | N | <u>PB</u> | <u>PB</u> | <u>PB</u> | <u>PB</u> |

Delete the existing footnote 3 as follows: ~~In any residential district, a detached single-family dwelling existing on the effective date of this bylaw may be converted to a two-family dwelling by a special permit from the Zoning Board of Appeals.~~

The new footnote 3 shall read as follows:

³In the RC, GR, MSR, and DN districts, approval of a two-family dwelling shall be subject to design review by the Design Review Committee in accordance with two-family design guidelines adopted by the Planning Board and on file with the Town Clerk.

Part 2. Amend Section 7-03-060, Design Review, by inserting the following new paragraph under Subsection B, Applicability:

(1)(e) In the RC, GR, MSR, and DN districts, any special permit application to the Planning Board for a two-family dwelling.

Part 3. Amend Chapter 7-06, Density and Dimensional Regulations, as follows;

Amend Table 2, Table of Density and Dimensional Regulations, as follows:

Insert 35 in the column labeled Maximum Height, Feet, for the RA, RB, RC, GR, MSR, and DN districts.

Add a reference to footnote 3 next to each of the following district abbreviations, RC, GR, MSR, and DN, in the District column, and add the following new footnote 3 below the table:

³See Sec. 7-06-030(J)(5) for lot regulations that apply to two-family dwellings.

Amend Sec. 7-06-030(J) by adding a new subsection 5, as follows:

5. The following shall apply to two-family dwellings in the RC, GR, MSR, and DN districts, except that the Planning Board may approve a waiver to reduce one side to 15 feet as long as the remaining five feet are added to the other side yard, such that the sum of the setbacks on each side shall not be less than 40 feet:

| <u>District</u> | <u>Minimum Lot Area (sq. ft.)</u> | <u>Minimum Lot Frontage (feet)</u> | <u>Minimum Lot Width (feet)</u> | <u>Minimum Yard Setbacks</u> | | |
|-----------------|-----------------------------------|------------------------------------|---------------------------------|------------------------------|-------------|--------------------|
| | | | | <u>Front</u> | <u>Side</u> | <u>Rear</u> |
| <u>RC</u> | <u>30,000</u> | <u>150</u> | <u>150</u> | <u>See Table 2</u> | <u>20</u> | <u>See Table 2</u> |
| <u>GR</u> | <u>25,000</u> | <u>150</u> | <u>150</u> | <u>See Table 2</u> | <u>20</u> | <u>See Table 2</u> |
| <u>MSR</u> | <u>25,000</u> | <u>100</u> | <u>100</u> | <u>See Table 2</u> | <u>20</u> | <u>See Table 2</u> |
| <u>DN</u> | <u>20,000</u> | <u>100</u> | <u>100</u> | <u>See Table 2</u> | <u>20</u> | <u>See Table 2</u> |