

**PROPOSED PROTECTIVE (ZONING)  
BYLAW & ZONING MAP  
AMENDMENTS  
PUBLIC HEARING**

**FOR CONSIDERATION AT ANNUAL  
TOWN MEETING ON MAY 6, 2019**

# Proposed Amendment To Protective Bylaw (Zoning)

## Marijuana Establishments

### Petitioner: Citizens Petition

#### A. Marijuana Establishments

To amend Article 4, Special Regulations, Section 4.9B, Marijuana Establishments, which currently reads as follows:

Consistent with General Laws, Chapter 94G, Section 3(a)(2), all types of non-medical “marijuana establishments” as defined in General Laws, Chapter 94G, Section 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 Sterling.

by inserting at the end of the subsection the following new text: “except for medical marijuana cultivation and product manufacturers operating within the Town prior to January 1, 2019 that desire to operate a co-located medical and adult use cultivation and product manufacturing facilities,” so the section will now read as follows:

Consistent with General Laws, Chapter 94G, Section 3(a)(2), all types of non-medical “marijuana establishments” as defined in General Laws, Chapter 94G, Section 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 Sterling, **except for medical marijuana cultivation and product manufacturers operating within the Town prior to January 1, 2019 that desire to operate a co-located medical and adult use cultivation and product manufacturing facilities.**

#### B. Table of Use

To amend Article 2, Section 2.3.1, C. Commercial Uses, #29 Marijuana Establishments, as follows:

### 2.3 USE REGULATIONS

#### 2.3.1 Table of Principal Uses.

Districts	RR	NR	C	TC	LI
29. Marijuana Establishments	N	N	N	N	N <sup>2</sup>

By inserting Footnote #2 to state “Cultivation and product manufacturing by a duly licensed marijuana Cultivator and Product Manufacturer, shall be permitted as of right within the Light Industrial Zoning District only by existing licensed Marijuana cultivation and product manufacturers operating with in Town prior to January 1, 2019.

# Proposed Amendment To Zoning Map

## Petitioner: Board of Selectmen

**Purpose:** The purpose of this petition is to foster the economic development initiatives and endeavors of the Town by rezoning these parcels in order to help stimulate the revitalization and re-use opportunities for these properties, including the vacant Sterling Inn. The rezoning of the following parcels to the Town Center zoning district is compatible and consistent with the zoning districts located across the street from these 15 parcels – being Town Center and the Commercial zoning districts. In addition to allowing the existing uses to explore commercial opportunities, this rezoning will also allow vacant or underutilized properties the opportunity for compatible business uses along the Route 12 corridor that leads directly to Sterling’s downtown core. The parcels under consideration for rezoning from the Neighborhood Residential to the Town Center zoning district include the following:

Parcel #	Address	Area
93-40	246 Worcester Rd.	0.61 acres
105-47	240 Worcester Rd.	1.6 acres
105-46	238 Worcester Rd.	1.3 acres
105-45	240 Worcester Rd.	2.8 acres
105-44	232 Worcester Rd.	0.35 acres
105-43	232R Worcester Rd.	0.4 acres
105-42	32 Princeton Rd.	9.2 acres
105-41	230 Worcester Rd	0.75 acres
105-40	228 Worcester Rd.	0.33 acres
105-39	Worcester Rd.	0.01 acres
105-38	224 Worcester Rd.	0.35 acres
105-37	222 Worcester Rd.	0.47 acres
105-36	220 Worcester Rd.	0.39 acres
105-35	218 Worcester Rd.	0.55 acres
105-34	212 Worcester Rd.	1.5 acres
Total Parcels: 15		20.61 acres* exclusive of road centerline

**Parcels included in this zoning map amendment are outlined in black.**



Outlined aerial view of parcels considered for rezoning.



## **Zoning Dimensional Requirement Changes Associated with Rezoning**

- Dimensional requirements refer to the minimum area, frontage, front, side and rear yard setbacks from the property line to the primary structure.
- Different zoning districts have different dimensional requirements.
- The table below shows a comparison of the dimensions between the currently zoned Neighborhood Residential (NR) and the proposed Town Center (TC) zoning districts for a single family use:

<b>Zoning District</b>	<b>Use</b>	<b>Dimensional Requirements</b>				
		<b>Min. Area</b>	<b>Min. Frontage</b>	<b>Front Yard</b>	<b>Side Yard</b>	<b>Rear Yard</b>
NR (existing)	Single Family	0.5 acres	125 feet	40 feet	20 feet	25 feet
TC (proposed)	Single Family	-----	-----	40 feet	10 feet	25 feet

- As the table shows, there is no minimum area or frontage requirement in the Town Center zoning district; additionally, the side yard setback dimensions decreases by 10 feet in the TC zoning district.
- Currently zoned in the NR zoning district, 13 out of the 15 parcels (87%) do not comply with one or more dimensional requirements.
- If rezoned to TC, only 6 out of the 15 parcels (40%) will not comply with one or more dimensional requirements. Rezoning these parcels to TC will make 7 out of the 15 parcels (47%) compliant and thus cures some of the deficient dimensional requirements. Only 2 parcels (13%) have no zoning deficiencies in either the NR or TC zoning districts.
- Rezoning these parcels to TC will not result in new zoning deficiencies.

### **Land Use Changes Associated with Rezoning**

- Proposed rezoning from the NR to the TC zoning district allows for greater commercial uses allowed either by right or via a Special Permit from the ZBA.
- Changing the use of an existing structure or constructing a new structure for commercial purposes will require site plan approval from the Planning Board and will need to comply with parking, as stipulated in the Protective Bylaw.
- Currently, 1 & 2 family dwellings are allowed in the TC district but require a Special Permit from the ZBA. If rezoned to TC and a residential property is abandoned, there is a 2-year window of protection to rebuild, during which a Special Permit is not required.

## **Proposed Amendment To Protective Bylaw (Zoning)**

### **Quarrying or Mining & Earth Removal**

**Petitioner: Board of Selectmen**

**Purpose:** Whenever a bylaw is modified or replaced, an analysis needs to be undertaken in order to ensure that there are no references or conflicts with the existing bylaw. The purpose of this petition is to remove conflicts between the current Protective Bylaw and the proposed Earth Removal Bylaw that will be proposed at Town Meeting.

#### **A. Table of Use**

To delete Article 2, Section 2.3.1, D. Industrial, Wholesale or Extensive Uses, #7 Earth removal, as follows:

#### **2.3 USE REGULATIONS**

##### **2.3.1 Table of Principal Uses.**

PRINCIPAL USES	DISTRICTS				
	RR	NR	C	TC	LI
<b><u>D. INDUSTRIAL, WHOLESALE OR EXTENSIVE USES</u></b>					
7. <del>Earth removal</del> <sup>1</sup>	N	N	N	N	Y

And to replace herewith with a new use, #7 Quarrying or Mining, with the same Footnote #1 wording, as follows:

#### **2.3 USE REGULATIONS**

##### **2.3.1 Table of Principal Uses.**

PRINCIPAL USES	DISTRICTS				
	RR	NR	C	TC	LI
<b><u>D. INDUSTRIAL, WHOLESALE OR EXTENSIVE USES</u></b>					
7. Quarrying or Mining <sup>1</sup>	N	N	N	N	Y

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<sup>1</sup> See the Earth Removal By-law in the General By-laws.

## B. Definitions

To amend Article 5, Definitions, by inserting, in alphabetical order, a new definition for “Quarrying or Mining”:

**Quarrying or Mining** shall mean earth removal for the purpose of extracting loam, soil, sand, gravel, rocks and minerals for sale, including establishments engaged in operating sand and gravel pits and in washing, screening, or preparing sand and gravel for construction or industrial uses, but excluding grading of a lot in preparation for the construction of a structure or associated appurtenances for which a building permit or other similar permit has been issued by the town.

by deleting Article 5, Definitions, the existing definition of “Earth Removal”:

~~**Earth Removal** shall mean the removal of clay, gravel, sand, sod, loam, soil, stone or other earth materials as may be permitted pursuant to the By laws of the town of Sterling.~~

## C. Site Development Requirements

To amend Article 3, Site Development Requirements, Section 3.3.2, Erosion Control, subsection 3.3.2.2, which currently reads as follows:

3.3.2.2 Any construction which will expose more than 60,000 square feet of bare earth during development through either removal or filling on the same parcel or on contiguous parcels in the same ownership must comply with the following:

by inserting at the beginning of the subsection the following new text: “With the exception of where an Earth Removal permit has been issued,” so the section will now read as follows:

**3.3.2.2 With the exception of where an Earth Removal permit has been issued,** any construction which will expose more than 60,000 square feet of bare earth during development through either removal or filling on the same parcel or on contiguous parcels in the same ownership must comply with the following:



## **D. Administration and Procedures**

To amend Article 6, Administration and Procedures, Section 6.2, Board of Appeals:

by deleting subsection 6.2.2.2.a.4. in its entirety, whereby a use variance would be required from the Board of Appeals for earth removal in the RR and NR zoning districts as follows:

~~4. in RR or NR Districts, no soil shall be removed from the premises except to facilitate grading for a proposed building for which a variance or a building permit has been granted, or to serve an established agricultural operation or an extension thereof. Removal of less than 1000 cubic yards of soil from any premises does not require a variance, nor does removal of soil necessary for building the infrastructure of a Definitive Subdivision Plan approved by the Planning Board. Removal of soil in an amount greater than or equal to 1000 cubic yards does require a variance. (Note: Reference should also be made to the Earth Removal By law of the town of Sterling's General By laws.)~~