

Revised through Planning Board Hearing 09/28/2021 and number formatting corrected. Additional Revision to Change Percent of Lot Coverage and Percent of Impervious 4:16 PM 9/29/2021. Further revised through Board of Selectmen's Meeting 10/04/2021 to amend 300-21.4 (G) to prohibit access for Racing and other portions of the site from Breakneck Road.

**To see if the Town will vote to amend the Zoning Bylaws by adding the proposed new Agricultural Entertainment Overlay District as follows:**

ARTICLE XXI AGRICULTURAL ENTERTAINMENT OVERLAY DISTRICT

300-21.1 Purpose

The purpose of this Agricultural Entertainment Overlay District is to allow for the placement of Equine Centers and related and complementary uses in suitable locations in the Town without altering the requirements applicable to uses permitted in the underlying zoning districts.

300-21.2 Establishment

The Agricultural Entertainment Overlay District (AEOD) is hereby established as an overlay district to existing zoning districts, and consists of the area(s) shown on a map entitled "Zoning Map of Sturbridge, Massachusetts" on file with the Town Clerk as it may from time to time be amended.

The requirements of the AEOD shall apply solely to those uses permitted thereby. In the event that a proponent wishes to develop a use permitted in the AEOD, the provisions of the AEOD shall apply and any provision of these Bylaws that would apply to such use in the underlying district(s) shall not apply unless expressly set forth in this Article.

300-21.3 Permitted Uses

The following uses may be allowed in the AEOD by Special Permit. The Planning Board shall be the Special Permit Granting Authority (SPGA) in accordance with the requirements of this Article and of Section 300-18.2 of this Bylaw:

- (1) Equine Center.

300-21.4 Equine Center – Use Regulations

A. An Equine Center shall include the following:

- (1) Equestrian amenities that serve the purposes of equestrian use and training activities, including, but not limited to, structural improvements such as fences and dressage walls, and non-structural improvements such as banks, ditches, jumps, paddocks, polo fields, riding arenas and riding rings;
- (2) Stables and tack rooms;

- (3) Grooms' and trainers' quarters including residential accommodations for on-site staff supporting the housing, riding, breeding, showing, study, treatment, training, and racing of horses; and
  - (4) Horse racing pursuant to a license issued by the Massachusetts Gaming Commission, which, following the completion of the initial construction of the horse racing track and related horse racing facilities, shall result in no less than 6 racing days in each 18 month period.
- B. An Equine Center may also include the following additional uses, if expressly included in the AEOD special permit issued therefor, provided that such uses are and will remain in addition to the use of the Equine Center for the housing, riding, breeding, showing, study, treatment, training, and racing of horses.
- (1) Live and simulcast horse racing with wagering; in-person and online sports betting; provided such wagering and sports betting is authorized at the Equine Center by the Commonwealth;
  - (2) Equestrian and agricultural related services supporting the Equine Center;
  - (3) The claiming of, and sale of, horses by entities racing at the track;
  - (4) Farmer's market;
  - (5) Fairs, festivals and events by the Future Farmers of America (FFA), 4-H, Boys or Girl Scouts of America, or other similar organizations;
  - (6) Concession stands, including walk-up establishments;
  - (7) Eating and drinking establishments;
  - (8) Agri-tourism activities such as farm tours, hayrides, petting zoos and similar activities;
  - (9) Parking facilities;
  - (10) Physical plant maintenance and operational facilities;
  - (11) Professional offices and business offices supporting the Equine Center;
  - (12) Conference and meeting and event space;
  - (13) Livestock and grain storage and sale;
  - (14) Up to two (2) free standing dwelling units on the premises to be occupied by the owner of the facility, or by an employee, operator of the facility, caretaker or watchman of the facility;
  - (15) Musical and other performances;

- (16) Gift shop, not to exceed 2,500 square feet;
- (17) Retail sale of agricultural products, supplies, clothing, and related items, including tack and the acceptance of orders for bulk agricultural supplies, not to exceed 5,000 square feet excluding space for storage of agricultural products;
- (18) Livery and/or commercial stables;
- (19) Non-commercial recreational facilities such as baseball fields, soccer fields, polo fields, swimming pools, tennis courts, pickleball courts, bicycling and hiking trails and similar activities, together with supporting facilities;
- (20) Community Center;
- (21) Veterinary office or clinic;
- (22) Wetlands education center;
- (23) Wastewater detention/filtration facilities and irrigation ponds;
- (24) Potable water wells and water tower;
- (25) Green energy biodigester;
- (26) Walking and educational trails;
- (27) Recreational vehicle parking area subject to the standards set forth below;
- (28) Racing history center or other agricultural museum with retail; and
- (29) Other uses incidental and subordinate to the housing, riding, breeding, showing, study, treatment, training, and racing of horses, as determined and expressly permitted by the SPGA.

The SPGA may impose such conditions in the AEOD special permit as to the time, place, and manner of operation of the above uses, including providing for their termination, as it may deem reasonable.

C. An Equine Center shall not include the following:

- (1) Any gaming or wagering, as defined by Massachusetts General Laws, Chapter 23K, Section 2, and including without limitation: table games, slot machines, or other forms of gambling other than on horse racing, unless expressly permitted pursuant to this Article;
- (2) Check cashing or payday lending establishments.
- (3) Pawn Shop.

- (4) Body Piercing Studio.
  - (5) Dog racing.
- D. An Equine Center shall only be located on a Lot or Lots within the AEOD containing at least 150 acres in size.
  - E. Section 300-4.1(E) of this Bylaw, which addresses soil removal or grade alterations in excess of 8%, shall not apply in the AEOD. However, the SPGA may impose any reasonable conditions regarding soil removal and grade alterations as it may deem appropriate.
  - F. Any structure erected pursuant to an AEOD special permit shall be a minimum of 300' from any permanent habitable structures located outside the AEOD but within the Rural Residential (RR) Zoning District existing at the time of adoption of this Article.
  - G. All roadways serving an Equine Center shall be of sufficient width, grade and construction to serve the proposed development. Sections 300-15.13(B) of this Bylaw, which addresses driveway location, shall not apply in the AEOD. However, the SPGA may impose any reasonable conditions regarding roadway design and driveway location as it may deem appropriate. **Public access to the Equine Center from Breakneck Road shall be prohibited, provided that the SPGA may permit access from Breakneck Road for the provision of emergency services and public access and parking for the uses listed in Section 300-21.4.B (4-5, 19, 22-24 and 26).**
  - H. The SPGA may impose as a condition of approval a requirement that a special event traffic management plan shall be filed with the Police Department no less than 48 hours prior to a special event so that appropriate traffic details, if required, can be scheduled.
  - I. The proposed parking shall comply with the standards of Article XVI – Off Street Parking, Loading and Drive-Through Standards, except that parking may be located within setback areas. The SPGA may impose any reasonable conditions regarding parking within setback areas as it may deem appropriate. Required parking will be determined based upon the types of activities proposed and the schedule listed in Section 300-16.11 of this Bylaw.
  - J. The SPGA may require unimproved grassed overflow parking areas to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways or from permanent parking lots. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads. Requirements of this Bylaw that apply to permanent parking lots regarding lot location, surface materials, space delineation, lighting, electrical vehicles and landscaping shall not apply to such overflow parking areas. However, the SPGA may impose any reasonable conditions regarding such overflow parking, including location, surface materials, space delineation, lighting and landscaping as it may deem appropriate.

- K. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining roads. If, at any time after the opening of the Equine Center, the SPGA determines that traffic backups are occurring on adjoining roads, and such backups are directly related to the means of access to the subject property, the Town can require the property owner to revise means of access to relieve the undue congestion;
- L. Pedestrian linkages between buildings and between non-overflow parking areas and buildings shall be part of a site plan submission. Pedestrian-oriented amenities such as walks, plazas and/or patios shall be incorporated into the site plan(s) where appropriate. Where required, sidewalks shall be at least five feet wide and located or approved by the approving authority except that sidewalks that abut non-overflow parking spaces shall be at least six feet wide.
- M. All manure or other wastes produced or generated by raising or keeping of horse or other farm animals shall be stored in a fashion which minimizes the nuisance impact of said wastes on adjacent properties. No wastes shall be stockpiled closer than 300 feet from any permanent habitable structures located outside the AEOD but within the Rural Residential (RR) Zoning District existing at the time of adoption of this Article. The SPGA may impose any reasonable conditions regarding the stockpiling of wastes as it may deem appropriate. This subsection shall not be construed as preventing the spreading of manure as fertilizer in conjunction with an agricultural operation.
- N. The proposed facility shall not produce noise levels that will violate the Massachusetts Department of Environmental Protection noise regulations (310 CMR 7.10). This shall be the minimum standard, however, and the SPGA may impose any reasonable conditions regarding noise mitigation as it may deem appropriate. This includes noise produced by the use or activity itself, from the participants or visitors to the site, from loudspeakers, or from any other source at, or associated with, the facility.
- O. The following Area and Bulk Requirements shall be applicable:
  - (1) Minimum Area – 150 acres
  - (2) Minimum Frontage –100’
  - (3) Minimum Setbacks (front, side and rear) – 30’; provided that parking areas, fences, retaining walls and similar structures may be located in setback areas
  - (4) Maximum Lot Coverage – 30%
  - (5) Maximum # Bidg. Stories – 3 (subject to Section P)

- (6) Maximum Height (mean) Feet – 35 (Subject to Section P)
  - (7) Maximum Impervious Surface – 40%
- P. Building heights of greater than 35’ or three stories may be allowed if the SPGA determines that the location, scale and characteristics of the proposed land uses on the site; and the design, siting and scale of structures is in harmony with the surrounding properties and land uses.
- Q. A Recreational Vehicle parking area may be established within the AEOD subject to the standards listed below:
- (1) The Recreational Vehicle parking is available only for invitees, visitors and participants engaged in a permitted activity taking place on the premises.
  - (2) Electrical service connections for the parking area shall comply with all Code requirements.
  - (3) Individual or common water and sewer connections shall be provided for every Recreational Vehicle parked on the premises.
  - (4) The use of a Recreational Vehicle as a temporary residence is only permitted for on-site staff and temporary visitors supporting the housing, riding, breeding, showing, study, treatment, training, and racing of horses.
  - (5) Section 300-15.8 of this Bylaw, which addresses Trailer Coaches, shall not apply in the AEOD. However, the SPGA may impose reasonable conditions regarding number, location and use of Recreational Vehicles as it may deem appropriate
- R. Signage in the AEOD shall be administered by the Planning Board, acting as the SPGA, in accordance with Sections 300-17.9(A) (1), (2) and (3) of this Bylaw (excluding Section 300-17.9(4)) with the advice of the Design Review Committee.

300-21.5 Additional Regulations

The following regulations shall be applicable in the AEOD:

- A. Rules and Regulations of the Town of Sturbridge Planning Board
- B. Special Permits – See Section 300-18.2
- C. Site Plan Review – See Article XIX
- D. Design Review Guidelines – Property owners and designers shall review the Design Review Guidelines in connection with and when applying for a special permit and undergoing site plan review. The Design Review Committee shall advise the

Planning Board in connection with the special permit application and site plan review.

300-21.6 Submittal Requirements

All applicants are encouraged to contact the Planning Department staff to schedule a pre-application meeting.

In addition to all the application requirements related to Special Permits and Site Plan Approval under Section 300-18.2 and Article XIX of the Bylaw, the applicant shall provide the following at the time of application for an AEOD special permit:

- A. Copy of an executed Host Community Agreement.
- B. A Development Impact Statement (See Planning Board Rules and Regulations)
- C. A Traffic Impact Assessment (See Planning Board Rules and Regulations).
- D. A parking and traffic management plan shall be provided for proposed public events taking place on the premises. Such plan shall estimate expected maximum visitors for various events, identify the parking area for the visitors, list the hours the event will be limited to and identify any police or traffic personnel associated with the event.
- E. A parking analysis which may include shared use and time of day analysis and which demonstrates that adequate parking facilities exist in form and number to accommodate all anticipated activities as they occur, taking into consideration the highest number of employees at a given time, the highest number of visitors at a given time, the seasonal or permanent nature of each event and the number of events which can occur simultaneously on the property.
- F. A manure and waste management plan.
- G. A maintenance plan for the stables and other riding areas. The plan shall include a description of dust controls for the corrals, stables, exercise rings, arenas, tracks and any other disturbed area.
- H. A Master Build Out Plan including a description of all proposed uses, including accessory uses along with the proposed hours of operation and season of operation shall be provided for each component of the Equine Center.
- I. A construction and operation phasing plan shall be provided as part of the application for an Equine Center. The phasing plan shall address the sequencing of activities, sediment and erosion control measures, traffic control both on and off site during construction activities. If any phase is proposed to begin operation prior to the complete build-out of the Equine Center, the applicant shall provide a narrative describing measures taken to insure that the operation and construction activities on-site can co-exist in a safe manner.

- J. The Planning Board may require a noise projection study to be submitted as part of the application for an Equine Center.

300-21.7 Severability

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

**To see if the Town will vote to amend the Zoning Bylaws Section 300-2.2, Terms defined, by inserting the proposed new definition in the appropriate location:**

Equine Center – Integrated facilities operating pursuant to a common, coordinated plan providing for the housing, riding, breeding, showing, study, treatment, training, and racing of horses and other equestrian-related uses.

**To see if the Town will vote amend the Town of Sturbridge Zoning Map in the following manner:**

To designate as Agricultural Entertainment Overlay District the following parcels of land:

- 1) 180 Breakneck Road, 223 acres, Mblu 170-/0 5045 – 180;
- 2) 75.54 acres, 16 Cross Road, Mblu 237-04756-016;
- 3) 181 Breakneck Road, 80 acres, Mblu 170-/0 5056 – 181