

**Town of Uxbridge
Special Town Meeting
January 9, 2007**

Pursuant to the foregoing Warrant, the inhabitants of the Town of Uxbridge, qualified to vote in Elections and Town affairs, met in the High School Auditorium in Precinct 2 in said Uxbridge on Tuesday, 09 January 2007 and transacted the following business:

The Moderator called the meeting to order at 7:00PM. A quorum of 74 voters was in attendance to vote on all articles in the Warrant. Tellers appointed for the evening were: Bill Bouchard, Karen Bouchard, Dan Deveau (Head Teller), Henry Koshiba, Mike Okenquist, and Hurly Silbor.

The meeting began with the Pledge of Allegiance to the Flag. The Moderator announced the standing rules of the meeting and informed the assembly that the Uxbridge Community Television was taping the Special Town Meeting. The Moderator introduced the new Town Clerk, Joseph H. Kaplan

**ARTICLE 1: ZONING BYLAW AMENDMENT – AGE RESTRICTED
DEVELOPMENT OVERLAY DISTRICT**

Move to see if the Town will vote to amend the Uxbridge Zoning By-laws to establish a new Age Restricted Development Overlay District by (a) amending the Town of Uxbridge Zoning Map to show the boundaries of said Overlay District, (b) amending the reference to the Zoning Map in Section VI of the Zoning By-laws to reflect the date of the amended Zoning Map, and (c) by adding the following new Section XX entitled Age Restricted Development Overlay District:

Section XX Age Restricted Development Overlay District

A. Purpose and Intent.

The Age Restricted Development Overlay District is hereby established as an overlay district covering a 63.04 acre portion of the Residence C District and a portion of the Agricultural District, more specifically described and shown on the Uxbridge Assessors Map 23, as Parcel 4435. All regulations pertaining to the underlying district(s) shall continue to be in full force and effect, except to the extent that the provisions of this Section modify, amend, or supersede such underlying requirements or provide an alternative to such requirements. The Age Restricted Development Overlay District is intended to encourage the development of age restricted dwelling units at a greater density than would otherwise be permitted in the underlying zoning districts, in order to provide for the unique housing needs of persons aged 55 and older, and in order to generate affordable housing units that can be counted toward the Department of Housing and Community Development (“DHCD”) Subsidized Housing Inventory for the Town of Uxbridge. Age Restricted Developments shall consist of duplex dwellings constructed in appropriate clusters of two or more, in a manner which will maximize preservation of open land and which will not detract from the ecological and visual qualities of the site or

its neighborhood environment.

B. Permitted Uses.

In addition to the uses otherwise permitted in the underlying district(s), land within the Age Restricted Development Overlay District may, upon issuance of a special permit under this Section, be developed and used for an Age Restricted Development of town-house style, duplex houses for independent residential use, each with a separate exterior entrance, together with accessory uses on the same premises with, and customarily incident to, the use and occupancy of such houses by persons aged 55 and older, and not detrimental to a residential neighborhood, including the use of a room or rooms in a dwelling for customary home occupation or home occupations carried on by person or persons residing therein, provided that there shall be no display or advertising except (a) a sign of not more than two (2) square feet in area or (b) real estate signs not over six (6) square feet in area advertising the sale or rental of only the premises on which they are located or (c) identity signs or bulletin boards not over twelve(12) square feet in area accessory to the use on the premises, For purposes of this Section, the term accessory use shall not include: (a) a garage for storage of more than two (2) automobiles; storage of more than two (2) automobiles; (c) the renting of bedroom space by the day or week or the furnishing of table board by the week to persons not members of the family resident on the premises. Additionally, temporary construction trailers, temporary sales trailers and display centers associated with the construction and sales of new homes in the Age Restricted Development, passive and active recreational facilities and structures for use by the occupants of the Age Restricted Development, and central mail delivery facilities for the Development may be allowed under the Age Restricted Development Special Permit.

C. Minimum Lot Size, Access, Utilities.

An Age Restricted Development may be permitted on a single tract of land in the Age Restricted Development Overlay District which:

1. conforms to the definition of "Lot" contained in Section III of these By-laws;
2. has an area of at least sixty (60) Acres;
3. has a minimum of one hundred (100) feet of frontage on an existing public street;
4. is to be served at least two private access ways that directly access the Development from a public street, such access ways to be at least one thousand (1000) feet apart.
5. will be served by public water and public sanitary sewerage.

The provisions of Section X shall not apply to Age Restricted Developments permitted under this Section.

D. Maximum Density of Development.

The maximum allowable density for an Age Restricted Development shall be one dwelling unit for each 20,000 square feet of the total area of the Lot, which maximum density shall include a minimum number of Affordable Units, as more particularly

described below.

E. Minimum Dimensional Standards.

1. No building shall be closer than thirty (30) feet to any other building in the Age Restricted Development.
2. All structures other than stone walls and fences shall be set back at least thirty (30) feet from the side lot lines and at least forty (40) feet from rear lot lines of the Lot. All structures other than drainage facilities, walls and fences, and access drives and appurtenances, shall be set back at least two-hundred (200) feet from the front lot line.
3. Lot coverage by all structures and paving shall not exceed twenty-five percent (25%) of the total area of the Lot.

F. Open space and Buffers.

1. All land area not devoted to buildings, yards, structures, storm water management, parking areas or access drives shall be designated as permanent open space and shall be landscaped and/or left in a natural vegetated state, as may be determined by the Special Permit Granting Authority.
2. Provisions shall be made so that all designated open space shall be commonly owned and maintained for conservation, recreation or park land purposes by the owners of all dwelling units in the Age Restricted Overlay District Development, or by a membership corporation or trust whose members are all of the owners of the dwelling units, or as the Special Permit Granting Authority may otherwise direct.

G. Limitation on Subdivision.

A Lot used for an Age Restricted Development may only be divided or reduced in size as provided for in the Special Permit.

H. Site Plan.

The application for an Age Restricted Development Special Permit shall be accompanied by a Site Plan conforming with the applicable content and preparation requirements for a definitive subdivision plan as set forth in the Planning Board's Rules and Regulations for the Subdivision of Land as may be in effect at the time of the submission of the special permit application, and shall also include a detailed landscaping plan, floor plans, and exterior building elevations.

I. Parking Requirements.

A minimum of two (2) paved, off-street parking spaces shall be provided for each dwelling unit. Parking spaces shall be conveniently located to the dwellings units they are intended to serve. There shall be no parking areas within buffer areas or other designated open space areas.

J. Height Requirements.

Section IX of the Zoning By-law shall not apply to Age Restricted Developments, provided, however, that no structure within such Developments shall exceed two and one half stories and thirty-five (35) feet in height.

K. Age Restriction Requirements.

All dwelling units constructed within an Age Restricted Development shall be restricted by recorded deed to occupancy by households with at least one person who is fifty-five (55) years of age or older in accordance with the requirements of the Fair Housing Act, and the provisions of Housing and Urban Development (HUD) requirements for up to a twenty percent (20%) exemption (24 CFR part 100, subpart E, Sections 100.304-307, et al).

L. Affordable Unit Requirements.

There shall be a minimum of one affordable dwelling unit (an “Affordable Unit”) provided in the Age Restricted Development for each four (4) acres of the total area of the Lot (rounded down to the nearest whole unit). Affordable Units shall be subject to affordability requirements as set forth herein.

The term “Affordable Unit” shall mean a dwelling unit reserved in perpetuity for rental or ownership by a household earning less than 80% of applicable standard metropolitan area median family income, and priced to conform with the standards of the Massachusetts Department of Housing and Community Development (“DHCD”) for rental or ownership units set forth in 760 CMR 45.03(4), as amended from time to time, in order that such Affordable Units shall be included in the DHCD Subsidized Housing Inventory.

Affordable Units shall be subject to the following conditions:

1. Each Affordable Unit shall be affordable in perpetuity. A Deed Rider or other suitable restriction shall assure this condition. The Deed Rider shall be structured to survive any and all foreclosures.
2. When an Affordable Unit is proposed for sale, the continuing enforcement of the Deed Rider through subsequent re-sales shall be the subject of a Monitoring Agreement between the applicant and the Town.
3. The Deed Rider and the Monitoring Agreement shall be drafted in compliance with 760 CMR 45.00 (Local Initiative Program), as amended from time to time, and guidelines promulgated thereunder. The Deed Rider and the Monitoring Agreement shall be subject to review and approval by the Zoning Board of Appeals and approval as to form by Town Counsel prior to the issuance of the first certificate of occupancy for any Affordable Unit.
4. The Affordable Units shall conform to the DHCD standards for inclusion in the DHCD Subsidized Housing Inventory.
5. The Affordable Units will be similar in exterior design to the market units or must satisfy the design and construction standards of the Local Initiative Program, 760 CMR 45.00, as amended from time to time. It is the intent of this Section that the Affordable Units shall be eligible for inclusion in the DHCD Subsidized Housing

- Inventory as Local Initiative Program units.
6. The Affordable Units must be constructed and occupancy permits obtained at the rate of three affordable Units in the first Phase of Development (containing up to 50 market-rate units); at the rate of seven Affordable Units in the second Phase of Development (containing up to 40 market-rate units); and the balance in the next successive phase of Development.

M. Exemption from Growth Control By-law.

Age Restricted Overlay District Developments shall be exempt from the Town of Uxbridge Growth Management By-law as adopted at the Annual Town Meeting (Spring 2004), and incorporated in Section XIII of the Zoning By-law, or any other bylaws that control rate of development.

N. Criteria for Review.

The Zoning Board of Appeals shall be the Special Permit Granting Authority under this Section. The Zoning Board of Appeals shall not grant a special permit for an Age Restricted Overlay District Development if it appears that, because of soils, drainage, traffic or other conditions, the issuance of such a special permit would be detrimental to the neighborhood or to the Town, or if it appears that the proposed design of the Age Restricted Overlay District Development would be inconsistent with the purposes and requirements of this Section. In issuing a special permit for an Age Restricted Overlay District Development, the Zoning Board of Appeals shall impose such conditions and safeguards as public safety, welfare and convenience require.

Or take any other action relative thereto.

SPONSOR: Board of Selectmen (Presentation by the Town Manager)

Vote Needed: Requires a 2/3 vote and a Planning Board report.

Commentary: The proposed zoning amendment is intended to ensure that the affordable units in the Summerfield (active senior/over 55) development project will qualify as part of the Town's affordable housing inventory under the State guidelines. The proposal is to create a special overlay district for the specific Summerfield development tract, within which a special permit may be granted to allow development of a senior housing community (in accordance with the previously approved site development plan for Summerfield), provided that at least 15 of the dwelling units are permanently restricted for occupancy by households with incomes and assets meeting the State's affordable housing eligibility limits. The Summerfield developers have agreed with this approach.

RECOMMENDATION OF THE PLANNING BOARD: Favorable Action (5-0)

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action

Motion to Amend Article 1: In Section K, change the word “requirements” to “allowance” after the words “the provisions of Housing and Urban Development (HUD)”. The motion was seconded and passed unanimously.

MOTION was made and seconded to accept Article 1 as amended.

Town Meeting Action: Moderator declared more than two-thirds vote in the affirmative. Motion passed.

Town counsel questioned the approval process of a development within the Town and presently no new occupancy permits are being approved. This bylaw addresses this issue and also allows the Town to count 15 of the units toward our DHCD Housing Inventory

Town Meeting Action: Moderator declared more than two-thirds vote in the affirmative. Motion passed.

ARTICLE 2: ZONING BYLAW AMENDMENT – TOWNHOUSE DEVELOPMENTS

Move to see if the Town will vote to amend **SECTION VIIb.1. Permitted Uses in Various Zones** of the Uxbridge Zoning By-laws by adding the following words “and Townhouse Developments” after the words “Boarding Houses” for uses allowed in the Residence A District, but not in the Residence B District, so that the Section would read as follows:

1. Any use permitted in RESIDENCE A district except: Apartments, Rooming Houses, Lodging Houses, Boarding Houses and Townhouse Developments.

Or take any other action relative thereto.

SPONSOR: Board of Selectmen (Presentation by the Town Planner)

Vote needed: Requires a 2/3 vote and a Planning Board report.

Commentary: *Following Town Meeting approval of Article 24 on 11/21/06, the Town Planner noted that the article allows townhouse developments in the RESIDENCE A district. However, RESIDENCE B district allows any use permitted in RESIDENCE A district except: Apartments, Rooming, Houses, Lodging Houses, Boarding Houses. Since the article approved at Town Meeting does not say "only" or "exclusively" in the RESIDENCE A district, a clarification should be made to specify that the use is not allowed in the RESIDENCE B district.*

Motion to Amend Article 2: Change “SECTION VIIb.1” to read “SECTION VIIb.1” and otherwise accept the remainder of Article 2 as printed. Motion to amend was seconded. Motion to amend passed.

RECOMMENDATION OF THE PLANNING BOARD: Favorable Action 4-0, with 1 member absent.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action

This is a change to change to the Zoning Bylaws to add Townhouse Development as building type not allowed in Residence B.

Town Meeting Action: Moderator declared more than two-thirds vote in the affirmative. Motion passed.

ARTICLE 3 : SCHOOL/TOWN BUILDING MAINTENANCE ACCOUNT

To see if the Town will vote to broaden the scope of the School/Town Building Maintenance Account by renaming it the School/Town Buildings & Grounds Maintenance Account in order to accommodate funding of appropriate repairs to parking lots, playfields, flagpoles, etc., or take any other action related thereto.

SPONSOR: Board of Selectmen (Presented by the Town Manager)

Vote Needed: Requires 2/3 vote

No motion; therefore no action.

Motion was made to dissolve the January 9, 2007 Special Town Meeting and the Meeting adjourned at 7:35PM.

Attest:

Joseph H. Kaplan

Town Clerk

