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**UXBRIDGE BOARD OF SELECTMEN,
PLANNING BOARD AND ZONING BOARD OF APPEALS
SPECIAL WORKSHOP MEETING
UXBRIDGE TOWN HALL
LOWER TOWN HALL
TUESDAY, JUNE 22, 2010 – 7:00PM**

- I. CALL TO ORDER AT 7:00PM**

- II. OLD/NEW BUSINESS**
Review Zoning Bylaws

- III. ADJOURNMENT**

Zoning Recodification
As Adopted by Town Meeting voters on May 14, 2008

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ZONING BYLAWS

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ARTICLE I
PURPOSE AND AUTHORITY

§ 400-1 Purpose

These Zoning Bylaws (hereinafter, these "Bylaws") are enacted to promote the general welfare of the Town, ~~to encourage the most appropriate use of land for residential and commercial development while balancing the cultural, historical and agricultural heritage of the community, personal property rights, goals for business development, and the health and safety of its inhabitants. Additionally, these bylaws seek to reduce the hazard from fire by regulating the location and use of buildings and the area of open space around them,~~

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§ 400-2 Authority

These Bylaws are enacted in accordance with the provisions of the Massachusetts General Laws, including, but not limited to, the provisions of the Zoning Act, G.L. c. 40A, as amended, Section 2A of 1975 Mass. Acts 808 and Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

§ 400-3 Scope

For these purposes, the construction, repair, alteration, reconstruction, height, number of stories and size of buildings and structures; the size and width of lots; the percentage of lot area that may be occupied; the size of yards, courts and other open spaces; the density of population; and the location and use of buildings, structures and land in the Town are regulated as hereinafter provided.

§ 400-4 Applicability

All buildings or structures hereinafter erected, reconstructed, altered, enlarged, moved or demolished, and the use of all land in the Town, shall be in conformity with the provisions of these Bylaws. No building, structure or land shall be used for any purpose or in any manner other than is expressly permitted within the district in which such building, structure or land is located. Where the application of these Bylaws imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants or agreements, the provisions of these Bylaws shall control.

§ 400-5 Amendments

These Bylaws may from time to time be changed by amendment, addition or repeal by the Town Meeting in the manner provided for in G.L. c. 40A, § 5, and any amendment(s) thereto.

§ 400-6 Severability

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The invalidity of any section or provision of these Bylaws shall not invalidate any other section or provision herein.

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**ARTICLE II
ESTABLISHMENT OF DISTRICTS**

§ 400-7 Establishment

For the purpose of this By-Law, the Town is divided into the following zoning districts:
Residence A (R-A), Residence B (R-B), Residence C (R-C), Agricultural (A), Business (B) and Industrial (I).

§ 400-8 Overlay Districts (come back when to add a new "mill zone" and eliminate the overlay districts as separate parts

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In addition, the following overlay districts are established in Article VIII of these Bylaws: Flood Plain Overlay District (FPOD), Groundwater Protection Overlay District (GPOD), Waucantuck Mill Adaptive Reuse Overlay District (WMAROD), Bernat Mill Adaptive Reuse Overlay District (BMAROD) and Age Restricted Development Overlay District (ARDOD).

§ 400-9 Zoning Map

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The location and boundaries of said zoning and overlay districts are shown on a map called "TOWN OF UXBRIDGE ZONING MAP" updated through, and as amended thereafter, which map together with all the boundary lines and designations thereon, is hereby declared a part of these Bylaws.

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A. Interpretation

The location of the boundary lines shown upon the map shall be determined as follows: Where the boundary lines are shown upon the map within the street lines of public or private streets or ways, the center lines of such streets or ways shall be the boundary lines. Where the boundary lines are shown upon the map outside of street lines and approximately parallel thereto, they shall be considered to be parallel to such street lines. The figures placed upon the map between such boundary lines and the street lines shall be the distances in feet of such boundary lines from the street lines, said distances being measured at right angles to the street lines unless otherwise indicated. Where the boundary lines are shown approximately on the location of property or lot lines, and the exact location of property, lot or boundary lines is not indicated by means of dimensions shown in figures, then the property or lot lines shall be the boundary lines. In any instances which are not covered by the provisions of this paragraph, the locations of boundary lines shall be determined by the distances in feet, if given, from the other lines upon the map or by the scale of the map.

B. Determination by the Building Inspector

Whenever any uncertainty exists as to the exact location of a boundary line, the location thereof shall be determined by the Building Inspector.

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ARTICLE III
USE REGULATIONS

§ 400-10 Principal Uses

Except as provided by law or in these Bylaws, in each district, no building or structure shall be constructed, reconstructed, altered, used or occupied, nor shall land be used or occupied, except for the purposes permitted as set forth in the accompanying Table of Use Regulations, shown in Appendix A, and elsewhere referenced herein.

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A. By Right

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A use listed in the Table of Use Regulations is permitted as of right in any zoning district under which it is denoted by the letter "Y," subject to such restrictions as may be specified elsewhere in these Bylaws.

B. Site Plan Review: Planning Board

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A use listed in the Table of Use Regulations is permitted as of right in any zoning district under which it is denoted by the letter "PRPB" subject to the review and approval by the Planning Board of a site plan, as well as such other restrictions as may be specified elsewhere in these Bylaws. Site Plan review procedures are provided in Section 400-15.

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A use designated in the Table of Use Regulations by the letters "ZBA" may be permitted by special permit only if the Board of Appeals so determines and grants a special permit therefor as provided in Section 400-50 of these Bylaws, subject to such restrictions as may be specified elsewhere in these Bylaws and such restrictions as said Board may establish.

C. Special Permit: Planning Board

A use designated in the Table of Use Regulations by the letters "SPPB" may be permitted by special permit only if the Planning Board so determines and grants a special permit therefor as provided in Section 400-50 of these Bylaws, subject to such restrictions as may be specified elsewhere in these Bylaws and such restrictions as said Board may establish.

D. Special Permit: Board of Appeals

A use designated in the Table of Use Regulations by the letters "SPZBA" may be permitted by special permit only if the Board of Appeals so determines and grants a special permit therefor as provided in Section 400-50 of these Bylaws, subject to such restrictions as may be specified elsewhere in these Bylaws and such restrictions as said Board may establish.

E. Prohibited Uses

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A use listed in the Table of Use Regulations which is denoted by the letter "N," is prohibited in that district.

Except where lawfully in existence at the time of these Bylaws, the following uses are expressly prohibited in all districts:

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1. Racetracks, which include any tract of land which is used for the purpose of motorized vehicle racing, horse racing or dog racing.

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2. Commercial jetports, commercial airports, commercial heliports, commercial runways or commercial landing fields. "Commercial" is intended to designate business activities which rely on said jetports, airports, heliports, runways or landing fields as a principal activity to generate income, gross receipts and sales but is not intended to prohibit the accessory use of private aircraft or landing facilities of any business enterprise obtaining approval for same.

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3. Billboards, which include any sign which is over forty (40) square feet in area.

4. Junkyard.

5. Penitentiary or jail. Such restriction shall not apply to a short term holding facility at a local or state police station, or at a State or Federal courthouse.

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 5. Junkyard. Unregistered Antique Motor Cars, as defined by M.G.L. Ch. 90 § 1, which are maintained in such a manner that they do not constitute a health hazard and are screened by means of a fence, rapidly growing trees, or shrubbery are not included herein. ¶

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§ 400-11 Accessory Uses and Structures

A. Home Occupation

A home occupation conducted in a dwelling by a person residing on the premises is permitted in a pre-existing residence within all zones, and in the Residence A, Residence B, Residence C and Agricultural zoning districts, subject to the following:

1. unless otherwise permitted by these Bylaws, no display or advertising is permitted except (a) a sign of not more than two (2) square feet in area or (b) on the same lot as a church, parish house, school, public library, public park, public museum, public playground, public recreational building or similar, a bulletin board of not more than twelve (12) square feet;
2. adequate off-street parking shall be furnished.
3. Such use is clearly the secondary to the use of a premises for dwelling purposes.

§ 400-12 Nonconforming Uses and Structures

A. Applicability

These Zoning Bylaws shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by G.L. c. 40A, § 5, at which these Zoning Bylaws, or any relevant part thereof, were adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

B. Nonconforming Uses

Pursuant to M.G.L. Ch. 40a § 10, the Board of Appeals may not award a special permit for a new nonconforming use. The Board may award a special permit to change an existing nonconforming use in accordance with this Section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The following types of changes to nonconforming uses may be considered by the Board of Appeals:

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1. change or extension of the same use;

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- change from one nonconforming use to a different, less detrimental nonconforming use.

C. Nonconforming Structures: Special Permit Required

The **Board of Appeals** may award a special permit to reconstruct, extend, alter or change an existing nonconforming structure in accordance with this Section only if it determines that such reconstruction, extension, alteration or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of changes to nonconforming structures may be considered by the Board of Appeals:

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- reconstructed, extended or structurally changed;
- altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

D. Pre-Existing Nonconforming Structures: Variance/Special Permit Required

Except as provided in Section 400-12(E), below, the reconstruction, extension or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity or create a new nonconformity shall require the issuance of a variance from the **Board of Appeals**; provided, however, that the extension of an exterior wall at or along the same nonconforming distance within a required yard shall require the issuance of a special permit from the **Board of Appeals**.

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E. Pre-Existing Nonconforming Single- and Two-Family Residential Structures

Nonconforming single- and two-family residential structures may be reconstructed, extended, altered or structurally changed upon a determination by the Building Inspector that such proposed reconstruction, extension, alteration or change does not increase the nonconforming nature of said structure. The following circumstances shall not be deemed to increase the nonconforming nature of said structure:

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- alteration to a structure which encroaches upon one or more required yard or setback areas, where the alteration will comply with all current setback, yard, building coverage and building height requirements.

In the event that the Building Inspector determines that the nonconforming nature of such structure would be increased by the proposed reconstruction, extension, alteration or change, the Board of Appeals may, by special permit, allow such reconstruction, extension, alteration or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

F. Nonconforming Structures and Parcels

Pursuant to M.G.L. Ch. 40a §10, the Zoning Board of Appeals may waive or modify dimensional regulations related to frontage, lot size, and setbacks. Such waivers shall be granted following a public hearing where the Zoning Board of Appeals makes specific findings that:

- Owing to circumstances relating to the **soil conditions, shape, or topography** of such land or structures and especially affecting such land or structures but not affecting generally the

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A nonconforming use or structure which has been abandoned or not used for a period of two (2) years shall lose its protected status and be subject to all of the provisions of these Bylaws; provided, however, that, by issuance of a special permit, the Board of Appeals may reestablish such nonconforming use or structure where such reestablishment shall not cause substantial detriment to the community.
¶
G. Reconstruction after Catastrophe or Demolition
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zoning district in which it is located;

2. A literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant;

3. And that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such by-law.

Except as provided in Section B, no waiver shall be granted for a nonconforming use.

G. Abandonment or Non-Use

A nonconforming use which has been abandoned for a period of two (2) years shall lose its protected status and be subject to all of the provisions of these Bylaws. A nonconforming structure shall retain its protected status so long as it is maintained in good repair. A nonconforming structure which falls into disrepair and becomes subject to a condemnation order by the Building Inspector shall lose its protected status if repairs are not completed within two (2) years of the date of the condemnation order.

H. Reconstruction after Catastrophe or Demolition

Any nonconforming structure may be reconstructed after a catastrophe or after demolition in accordance with the following provisions:

1. reconstruction of said premises shall commence within two years after such catastrophe or demolition;
2. building(s) as reconstructed shall be located on the same footprint as the original nonconforming structure, shall be only as great in volume or area as the original nonconforming structure and shall meet all applicable requirements for yards, setback and height;
3. in the event that the proposed reconstruction would (a) cause the structure to exceed the volume or area of the original nonconforming structure, (b) exceed applicable requirements for yards, setback and/or height or (c) cause the structure to be located other than on the original footprint, a special permit shall be required from the Board of Appeals prior to such demolition.
4. reconstructed structures must meet current building codes; reconstructed structures used as places of public accommodation must meet current accessibility guidelines.

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H. Reversion to Nonconformity

No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

ARTICLE IV
DIMENSIONAL AND BULK REQUIREMENTS

§ 400-13 General Requirements

A. Table of Dimensional Requirements

No building or structure shall be constructed nor shall any existing building or structure be enlarged or altered as to lot coverage; lot area; land area per dwelling unit; lot width; front, side and rear setbacks; and maximum height of structures; except in conformance with the Table of Dimensional Requirements or as may otherwise be provided elsewhere herein, Appendix B.

B. Notes to the Table of Dimensional Requirements

The following notes to the Table of Dimensional Requirements shall have the same force and effect as the Table itself:

1. in all districts, spires, domes, steeples, radio towers, chimneys, broadcasting and television antennae, bulkheads, cooling towers, ventilators, flag poles and other appendages customarily carried above the roof may have any height;
2. only one dwelling and private garage shall be erected or maintained on a single lot in any residential zoning district.
3. on any lot abutting on two intersecting streets, the side yard along the side street shall conform to the setback requirements, as set forth herein.

§ 400-14 Special Dimensional Requirements

A. Projections

Nothing in this Article IV shall prevent the projection of steps, eaves, chimneys, cornices and similar features into any specified yard or open space.

B. Vision Clearance

On corner lots in all zoning districts, no building, fence or other structure shall be erected and no tree, hedge or other vegetation shall be planted or allowed to exist which prevents an unobstructed view through the space between three (3) feet and eight (8) feet above the ground within the area formed by the intersecting street lines forming the corner of the intersecting streets and a line joining points on such lines twenty-five (25) feet distant from the point of intersection of said street lines.

C. Open Space

No yard, lot area or other open space required for a building by these Bylaws shall during the existence of such building be occupied by or counted as open space for another building.

D. Contiguous Buildable Lot Area

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No lot created after the adoption of this Section 400-14(D) may be built upon unless it contains a contiguous upland area equal to at least sixty percent (60%) of the minimum lot area required for the zoning district in which the lot is located. For purposes of this Section 400-14(D), contiguous upland area shall mean a contiguous area of land, exclusive of any non-riverfront resource area subject to regulation under G.L. c. 131, § 40, within which any building(s) to be constructed on the lot shall be located. At the time a building permit application is submitted for a lot created after the adoption of this Section 400-14(D), the Building Inspector shall require that the boundaries of any non-riverfront resource areas located on such lot be delineated by a wetland scientist or botanist and verified by the Conservation Commission.

ARTICLE V

Site Plan Approval

§ 400-15 SITE PLAN APPROVAL

A. General Purpose

To accomplish the general purposes set forth in Article I of this bylaw as to the specific goals of facilitating traffic control, assuring adequate drainage of surface water, protecting the environment, property values, abutting properties and visual amenities, and to facilitate the administration of the Section, no permit for the construction, exterior alteration, relocation, occupancy or change in use of any commercial building, structure or premises, shall be granted until the provisions of this bylaw have been fulfilled. Upon the fulfillment of the Site Plan Approval criteria, a Plan Approval will be issued by the Planning Board to the Building Inspector.

B. Projects Requiring Site Plan Approval

Within all districts, no special permit or building permit shall be issued and no application for such permits shall be accepted for any of the following uses:

- a. The construction or occupancy of a new building;
- b. Additions over twenty-five percent (25%) to the gross floor area of an existing building;
- c. Any exterior alteration, addition, occupancy, or change in use of an existing construction or premises whose site sketch did not receive the Town of Uxbridge Planning Board waiver;

Unless a site plan has been endorsed by the Planning Board after consultation with other boards, including but not limited to the following: Fire Department, Department of Public Works, Building Office and/or Town Engineer, Conservation Commission, and Board of Health,

C. Exemption from Site Plan Approval

Site plan approval shall not be required for:

- a. The construction or enlargement of any single family dwelling; or
- b. any building used exclusively for agriculture, horticulture, or floriculture.
- c. No site plan approval shall be required in those instances where a lawful use change is proposed, and no physical changes (other than signs) will occur to the site or building exterior, and where no new or additional requirements of the Zoning Bylaw must be met for the proposed use.

In the above case (c. only) the Planning Board will only require a "Change of Occupancy" application with the application fee in force at the time

D. Applications for Site Plan Approval

- a. Each application for Site Plan Approval shall be submitted to the Planning Board by the current owner of record, accompanied by the original or reproducible Mylar and five (5) sets of prints.

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 ARTICLE VI¶

b. The Planning Board shall obtain with each submission a deposit sufficient to cover any expenses connected with a public hearing, public notification, and review of plans.

E. Required Site Plan Contents

All site plans shall be prepared by a person or persons registered under the Massachusetts General Laws of the Commonwealth of Massachusetts to practice architecture and/or engineering, and land surveying and shall show the seals of the architect and/or engineer, and land surveyor. All site plans shall be on standard 24" X 36" sheets at a scale of 1 inch equals 40 feet, with additional narrative as necessary:

All site plans shall also include the property owner's names, date of plan, and scale of plan; and a space for endorsement by the Planning Board (3" X 5")

All site plan shall further include:

a. Provision for adequate drainage of surface water from paved areas. Use of landscaped areas to provide such drainage in order to relieve storm drainage systems is encouraged. The piping for the storm water drainage systems shall be designed using the ten (10) year storm curve for parking area drains and the twenty-five (25) year storm curve for culverts over existing natural waterways and retention areas.

b. Existing and proposed vegetation. Such vegetation shall be indicated by:

- (1) Type and location (whether woods, brush, shrubs, etc.)
- (2) Number of plants (if appropriate)

c. Existing natural features such as wetlands, rock outcroppings, slopes, hills,
etc.

d. Pedestrian facilities, if any, including walks, plazas, benches, etc.

e. Parking Area

1. Parking spaces and circulation area for automobiles as well as the location of landscaped areas within them. Existing and proposed curb cuts shall be indicated together with approval for such cuts from the appropriate town or state agency. The number of spaces shall be in accordance with Section ?????? of the bylaw
2. All parking areas shall be paved and noted on the site plan as "to be paved," with the type of pavement to be used.
3. Area where deliveries will be made on site shall be indicated

f. Existing and proposed fencing to be used to buffer abutting residential dwellings and/or districts from the intended development (if appropriate).

g. Existing natural features and vegetation to be retained shall be so indicated.

h. The location and type of monumentation at all property corners shall be shown and maintained.

i. Existing and proposed elevations and contours. The contour interval shall be two (2) feet or any interval which adequately depicts the grading.

j. All existing and proposed utilities, and to include utilities with easements.

k. The names of all abutters.

l. All existing and proposed sidewalks and curbs.

m. The plan shall also include a chart showing the following information:

(1) Area of lot.

(2) Area and size of building.

(3) Maximum area of building to be used for selling, offices, business, industrial, or other uses, if applicable.

(4) Maximum number of employees, where applicable.

(5) Maximum seating capacity, where applicable.

(6) Maximum sleeping capacity, where applicable.

(7) Number of parking spaces required for the intended use, based on Section ??????

(8) Number of parking spaces existing at the site (including street parking adjacent to site).

(9) Number of trees and/or shrubs.

§ 400-16 Procedures for Site Plan Approval

a. The Planning Board shall request recommendations from the Fire Department, Department of Public Works, Safety Committee, Building Official, and/or Town Engineer, Conservation Commission, and Board of Health. The Planning Board secretary shall date the plans and distribute the plans to the listed town officials. The site plan shall be revised to show those recommendations which are approved by the Planning Board. Failure of other Boards or Departments to make recommendations within twenty-one (21) days of the referral of the application will be deemed to be an approval as presented.

b. A public hearing shall be held within sixty-five (65) days, from the date of filing of such plans. After due consideration of the recommendations received, the Board shall take final action within 60 days from the time of hearing. The Planning Board's final action, in writing, shall consist of either

(1) Approval of the site plan based on a determination that the proposed project will constitute a suitable development and is in compliance with the standards set forth in this bylaw.

(2) Disapproval of the site plan based on a determination that the proposed project does not meet the standards for review set forth in this bylaw; or

(3) Approval of the project subject to any conditions, modifications, and restrictions.

c. The review for a Special Permit requiring Site Plan Approval shall be the same as any other special permit and shall conform to the requirements of M.G.L. Ch.40A §9, "Special Permits." Specifically, a joint public hearing to address the Special Permit application and Site Plan Approval application shall be held within sixty-five (65) days of the filing of a special permit application with

the Planning Board or Board of Appeals. The Planning Board shall then have 90 days following the public hearing in which to act.

§ 400-17 Site Plan Approval Waiver

a. Projects That May Seek to Waive Site Plan Approval

(1) No permit for any of the following uses and no others shall be granted by the Town of Uxbridge Building Inspector until a determination is made by the Town of Uxbridge Planning Board that the change involved will not create an additional parking or traffic problem and/or site hazard;

(2) The exterior alteration, addition, occupancy, or change in use of any existing construction or premises; and/or

(3) Any new construction that constitutes less than twenty-five percent (25%) of the gross floor area of an individual existing building.

b. Applications for Site Plan Approval Waiver

Each application for Site Plan Approval Waiver shall be submitted to the Planning Board, accompanied by a site sketch prepared by the applicant

c. Required Site Sketch Contents

Site sketches shall be prepared by the applicant at a scale of 1 inch equals 40 feet, with additional narrative as necessary:

(1) A sketch of the lot with all buildings on said lot including dimensions and the lot's location.

(2) The area where cars are parked on the property and/or street.

(3) Name of owner and/or applicant.

(4) A table containing the following information:

(i) Area of Lot.

(ii) Area and size of buildings.

(iii) Number of parking spaces required for the intended use, based on Section ???

(iv) Number of parking spaces existing at the site (including street parking adjacent to site).

(5) For non-residential uses the additional information is necessary:

(i) Maximum area of building to be used for selling, offices, business, industrial, or other uses.

(ii) Maximum number of employees, where applicable.

(iii) Maximum seating capacity, where applicable.

(iv) Maximum sleeping capacity, where applicable.

(6) For two-family dwellings, the additional information is necessary:

(i) The area of the lot.

(ii) The area and size of the building.

(iii) Location of parking spaces.

(iv) Landscaping plans.

(v) Existing natural features.

d. Procedures for Site Plan Approval Waiver.

(1) A public hearing shall be scheduled within sixty-five (65) days, excluding weekends and legal holidays, of the date the sketch was submitted. The Board shall take final action within ninety (90) days from the time of the hearing. The Planning Board's final action, in writing, shall consist of either:

(i) Approval of the site sketch and waiver of the need for a registered site plan submission based on the determination that the proposed project will not create additional parking or traffic problems and/or site hazard;

(ii) Disapproval of the site sketch and waiver based on the determination that the proposed project will create additional parking or traffic problems and/or site hazard; or

(iii) Approval of the site sketch and waiver subject to any conditions, modifications, and restrictions, which will ensure that the project will not create additional parking or traffic problems and/or site hazard.

(2) A vote of four of five members of the Planning Board is necessary to waive the need for a registered site plan, public hearing, and/or the request for recommendations from the Fire Department, Safety Committee, Building Official, Department of Public Works, and/or Town Engineers, Conservation Commission, and Board of Health and public hearing. For other projects, a majority vote of the Planning Board is necessary

(3) If the Planning Board fails to waive the site plan approval requirements and/or disapproves the site sketch and waiver, procedures shall then be followed on the basis of Site Plan Approval (Sections 400-15, 400-16)

ARTICLE VI
SPECIAL NONRESIDENTIAL REGULATIONS

§ 400-20 Special Permit for Major Nonresidential Project

A. Purpose

The purpose of this section is to protect the health, safety, convenience and general welfare of the inhabitants of the Town by providing for a review of plans for uses and structures which may have significant impacts on traffic, municipal and public services and utilities, environmental quality, community economics, and community values in the Town.

B. Applicability

Notwithstanding any provisions contained in Section 400-20 or elsewhere in these Bylaws to the contrary, a special permit from the Planning Board for a Major Nonresidential Project shall be required for all developments which meet any of the following thresholds:

1. Total gross floor area of 20,000 square feet or more;
2. 50 or more required parking spaces.
3. Total daily trip generation of 400 or more trips as estimated by the Institute of Traffic Engineers Trip Generation Manual, latest edition;
4. Inclusion of a drive-in or drive-through facility. A drive-in or drive-through facility shall mean an establishment that by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

C. Application and Review Procedure

1. Prior to the formal filing of an application and the required exhibits under this section, the applicant shall submit seven copies of a plan showing the existing and proposed buildings and structures, parking spaces, access way, landscaping, and uses with the Planning Board, and shall request a meeting with the Board for a scoping session to define the scope of the project, the specific information that may be needed, and any waivers from the procedural and technical requirements of this Section, or shall request that a scoping session be waived because the scale and scope of the project do not warrant it or because the project is a modification of a previously approved site plan.
2. After the scoping session, or after the scoping session was waived by the Planning Board, the applicant shall submit the number of copies required by the Rules and Regulations of the Planning Board of the items specified herein, except for those waived by the Board. The Board shall forthwith distribute copies thereof to the Building Commissioner, Board of Health, Conservation Commission, Police and Fire Departments, Department of Planning and Economic Development, Department of Public Works, Water Department, Board of Selectmen, and such other departments and boards as the Planning Board may

deem appropriate.

3. Such agencies shall, within 35 days of receiving said copy, report to the Planning Board on (1) the adequacy of the data and the methodology used by the applicant to determine impacts of the proposed development and (2) the effects of the projected impacts of the proposed development. Said agencies may recommend conditions or remedial measures to accommodate or mitigate the expected impacts of the proposed development. Failure by any such agency to report within the allotted time shall constitute lack of opposition by that agency as to the adequacy of the submittal and to the project itself.
4. The Planning Board shall not render a decision on said application until it has received and considered all reports requested from Town departments and boards, or until the 35 day period has expired, whichever is earlier. Where circumstances are such that the 35 day period is insufficient to conduct an adequate review, the Planning Board may, at the written request of the applicant or any board, department or official named in paragraph B above, extend such period to 60 days.
5. The Planning Board shall hold a public hearing on any properly completed application within 65 days after filing, shall properly serve notice of such hearing, and shall render its decision within 90 days of the close of said hearing. The hearing and notice requirements set forth herein shall comply with the requirements of G.L. Chapter 40A, Section 11. All costs of the notice requirements shall be at the expense of the applicant.
6. If the Major Nonresidential Project also requires a special permit from the Planning Board, the petition to the Planning Board shall be filed not earlier than 14 days after receipt of the fees, plans, and the complete application for a Major Nonresidential Project Special Permit.

D. Contents and Scope of the Application

An application under this section shall comprise the following drawings, exhibits, and statement prepared by and bearing the seals and signatures of qualified professionals, such as a registered professional engineer, architect, land surveyor, landscape architect and others, as necessary, and shall include a completed application form signed by the owner of the site, and the required back up information or exhibits, processing and review fees. The Planning Board shall require substantive compliance with these requirements and with the following requirements for impact statements, and may, by regulation or vote, impose additional requirements, interpret and apply these requirements, and grant waivers therefrom when warranted by the scope of the project or other special circumstances, and the ability to review the project is not affected adversely by the waiver.:

1. A site plan, as described in §400-15.
2. A perspective view or isometric drawing of the proposed development shall be provided, unless this requirement is waived by the Planning Board, or unless the site plan review is not required due to a change in use when no structural changes are planned.
3. Building elevations and floor plans, showing the proposed uses, outside material and color of all buildings, unless no exterior or floor plan change is planned. A tabulation of proposed employees, occupants, and floor areas to be devoted to various uses, and of the existing, required and proposed parking spaces for such uses shall be provided on the floor plan drawing (show all floors and basement).

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Deleted: at a scale of 1" = 40', unless a different scale has been approved by the Planning Board, showing existing and proposed (including changes of grade);¶
¶ a. the recorded boundaries and area of the parcel of land;¶
¶ b. the location, size and material of all buildings and structures; ¶
¶ c. public utilities or services; ¶
¶ d. parking areas, paved walks, drives, and other spaces;¶
¶ e. landscaped areas; ¶
¶ f. wooded areas and major freestanding trees; ¶
¶ g. outdoor lights; ¶
¶ h. streams, water bodies, wetlands and flood plains; ¶
¶ i. topography of the site and of abutting areas for at least 300 adjacent feet; ¶
¶ j. zoning district boundaries;¶
¶ k. names of abutting owner according to assessors records;¶
¶ l. names and widths of streets;¶
¶ m. purposes and dimensions of easements and rights of ways on or within 300 feet of the site
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Deleted: Landscaping and planting, including plant species and size, outdoor lighting and illuminated signs, fences and screening, shall be shown on a separate sheet or sheets in sufficient detail to permit evaluation.¶
3.
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E. Statements

The following impact assessment statements shall be submitted with the application:

1. **Traffic impact assessment:** Its purpose shall be to document the existing traffic volumes, capacities, controls, road condition, hazards, and level of service on the site and the streets adjacent to the site; to project changes due to the site development and to the background traffic growth or decline; to assess the projected impact of such changes; and to propose and discuss management and structural improvements and mitigation measures, both on and off the site.
2. **Environmental impact assessment:** It shall include a substantiated assessment of the existing and expected post-development environmental conditions, including air and water quality, pollution of ground, water, and air, noise levels, harmful or noxious emissions, damage or threat to wetlands and flood plain, plants and animals, and the visual environment. The potential for erosion or sedimentation and the proposed or existing control measures shall be discussed. Glare, smoke, odors, vibration, electromagnetic radiation, effects on groundwater supply, streams, water bodies, unique or valuable vistas, symbiotic ecological relationships of animal and plant communities, and compatibility of the project with the existing and future natural and manmade environment shall be considered, and any expected changes and preventive or corrective actions shall be discussed. Waste disposal, snow removal, maintenance of landscaped and paved areas, off-site environmental impacts, and drainage shall be discussed, and pre- and post-development drainage calculations for 10 and 100 year storm shall be included.
3. **Community and fiscal impact assessment:** The assessment shall consider the existing and projected demand for public or municipal services (such as schools and cultural institutions, fire and police, medical and social services, water and sewer, waste disposal, administrative and inspection services), historical and visual compatibility, revenues to the town, voluntary contributions and services, and the effects of the project failing, not living up to the projections, or having to modify structures and uses for economic reasons. The assessment shall also consider fiscal or economic impacts, and compatibility with the town Master Plan and other plans and development policies, and shall explain and evaluate any zoning changes or variances sought or obtained.

F. Development Impact Standards and Recommendations

The following standards and recommendations shall be used by the applicants in preparing plans and by the Planning Board in reviewing them. The required standards must be substantially met in order for a special permit to be granted, the recommended standards are intended as a flexible guide and not meant to discourage creativity and innovation.

1. **Required Traffic and Parking Standards**
 - a. The net effect of the project and the mitigating measures or improvements (the execution of which must be guaranteed) shall be no worsening of the level of service (LOS) by more than one level or level D or E on the streets providing access to or egress from the site and within the nearest public street intersections in

Deleted: 5. A locus plan at a scale of 1" = 100' showing streets, lots, buildings, and topography at 5 or 10 ft. contour interval, respectively, for at least 500 feet from the site, shall be included on the cover sheet or separately.

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either direction.

- b. Traffic signs and signals, storage and turning lanes and movements, curbs and curb cuts, pavement widths and grades, separation of pedestrian and vehicular traffic, sight distances, directional signs and markings shall all conform to the professional norms and design standards of the Institute of Transportation Engineers, and to the accepted professional standards.
- c. Binding provisions shall be made to compensate for errors in projecting the potential traffic volumes and travel routes.
- d. The traffic study shall be based on actual counts on any street or intersection likely to be affected by the development taken within 12 months prior to the filing of the application.
- e. The required parking for a Major Nonresidential Project shall be calculated in accordance with the following schedule:

Retail use	1 space per 250 sq. ft. gross floor area
Office use	1 space per 200 sq. ft. gross floor area.
Other nonresidential use	1 space per 200 sq. ft. gross floor area

The Planning Board may reduce the amount of required parking where the applicant demonstrates that shared parking or other available parking is sufficient to serve the premises.

2. Recommended Traffic Standards

- a. Make legally binding arrangements to reduce traffic by single occupancy cars and to promote public transportation, carpools, off-site parking for employees, and other traffic-reducing measures.
- b. Minimize traffic conflict points between vehicles and pedestrians by adhering to the subdivision street design standards of the Rules and Regulations for the Subdivision of Land in Uxbridge.
- c. Locate access and exit points so as to route site-generated traffic so far as practicable away from residential streets.

3. Required Environmental Standards

- a. The proposed development shall not cause significant environmental harm or hazard through emissions of noise, dust, fumes, toxic or noxious gases, electromagnetic radiation, water pollution, soil contamination, excessive smoke, vibration, or other toxic, harmful, or hazardous agents.
- b. The proposed development shall not increase the potential for sedimentation, erosion, or flooding, raise the water table, either on site or on adjacent properties and streets, to an appreciable extent, and shall not increase the rate of runoff from the site, unless such increase is deemed by the Planning Board to be beneficial.

- c. Exterior lighting shall be arranged to minimize glare and objectionable spillover onto adjacent properties.
- d. No unique environmental features, habitats, or vistas shall be endangered or destroyed.
- e. Proper mitigation measures shall be taken to minimize any unavoidable harmful impacts, and replication or relocation shall be used, where appropriate, to preserve valuable environmental features, parts of which may be adversely affected or damaged by the proposed development.

4. Recommended Environmental Standards

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- a. Locate proposed structures so as to minimize obstruction of sunlight during daylight hours and to allow the use of solar energy panels.
- b. Use planting and landscaping to create a visually pleasing setting and to screen parking and service areas, especially from residential neighborhoods.
- c. Where possible, recharge uncontaminated water to the ground and minimize discharges to public storm and sanitary sewers.

5. Required Community and Fiscal Standards

- a. The revenue and service fees from the projected development shall equal or exceed the projected cost of public services attributable to it as its share of the total municipal cost of such services.
- b. In the event that the projected development does not materialize as envisioned, provisions shall be made to minimize adverse financial, social, and visual impacts and to prevent deterioration and blight.
- c. If the proposed development will require or accelerate off-site capital expenditures to provide the needed facilities and services or to mitigate adverse impacts, the applicant (owner) shall be responsible for the payment of impact fees at least equal to the share of the total cost attributable to the project, but excluding any part of such capital expenditures coming from federal or state grants and any part of the operating costs.

6. Recommended Community and Fiscal Standards

- a. Make the development conform, so far as feasible, to any adopted plans for the town or the neighborhood, including plans for land use and zoning, open space and conservation, circulation and the expansion of water, sewer, and other services and facilities.
- b. Make the development consistent or compatible with the neighborhood as regards the size, materials, style, and treatment of elements of structures. This shall not be interpreted to mandate uniformity or discourage creativity.

- c. Minimize grading and destruction of the natural ground cover by adapting development to the environment, rather than changing the environment more than necessary.
- d. Design to keep low the cost of operation and maintenance of public services and facilities.

G. Planning Board Findings and Action

Prior to approving, approving with modifications and conditions, or disapproving a special permit, the Planning Board shall make written findings whether the application meets each of the required traffic, environmental, community and fiscal standards, and to what extent the various recommended standards are applicable and are met by the proposal. The Planning Board shall also make a written finding whether the application as a whole substantially conforms to the intent of these Bylaws and proposes an appropriate and beneficial development of the site. The findings shall be included in the certificate of action which the Planning Board shall transmit to the applicant, the Town Clerk, the public agencies which submitted written comments on the site plan, and to any person attending the public hearing who has requested a copy of the decision. If the Board approves the special permit, the certificate of action shall also list any waivers granted by the Planning Board and any modifications, conditions, and safeguards imposed at the time of approval.

1. Except where the required standards are clearly inapplicable or have no effect, or where the impact would be as severe if the site were developed in a way requiring no special permit review and permissible as of right, the Planning Board shall not grant waivers from the required standards or grant a special permit not meeting some of the required standards. A special permit application not meeting two or more recommended standards may be disapproved, or the Planning Board may find that the standards do not apply, are of no significance, or their intent is adequately met by other means.
2. Approval may be conditioned on the applicant modifying the plan or meeting other requirements before the special permit is granted by the Planning Board.
3. Approval may be conditioned on the applicant meeting certain requirements after the appeal period has expired either before construction work begins or by the time a specified stage is reached. Such conditions may be enforced by refusal by the Building Commissioner to issue an occupancy permit, or by realizing on any surety posted by the applicant to ensure satisfactory performance.

H. Conditions, Limitations and Safeguards

In granting a special permit, the Planning Board may impose conditions, limitations and safeguards which shall be in writing and shall be a part of such special permit. Such conditions may include, among other matters and subjects:

1. Controls on the location and type of access to the site;
2. Controls on the number of vehicles that arrive or depart during the morning and/or evening peak hours (including controls on the maximum number of vehicles which may use the off-street parking areas during said periods);

3. Requirements for off-site improvements to improve the capacity and safety of roads, intersections, pedestrian ways, water, sewer, drainage, and other public facilities which are likely to be affected by the proposed development;
4. Requirements for donation and/or dedication of land for right-of-way to provide for future roadway and/or intersection widenings or improvements;
5. Requirements for securing the performance of all proposed work, including proposed off-site improvements, by either or both of the following methods: (1) a performance bond, a deposit of money, negotiable securities, letter of credit, or bank passbook in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements required as conditions of approval; (2) a covenant running with the land, executed and duly recorded by the owner of record, whereby the required improvements shall be completed before the property may be conveyed by other than a mortgage deed.
6. Conditions to minimize off-site impacts on traffic and environmental quality during construction.

I. Administration

The Planning Board shall establish and may periodically amend rules and regulations relating to the administration of this section, including additional regulations relating to the scope and format of reports required hereunder. The Planning Board shall establish and may periodically amend a schedule of fees for all applications under this section. No application shall be considered complete unless accompanied by the required fees.

1. The Planning Board shall be responsible for deciding the meaning or intent of any provision of this section which may be unclear or in dispute.

§ 400-21 Adult Entertainment

A. Authority

This Section is enacted pursuant to M.G.L. Chapter 40A and pursuant to the Town's authority under the Home Rule Amendment to the Massachusetts Constitution to serve the compelling Town interest of limiting the location of and preventing the clustering and concentration of certain adult entertainment uses, as defined and designated herein, in response to studies demonstrating their deleterious effects.

B. Purpose

It is the purpose of this Section to address and mitigate the secondary effects of the adult entertainment establishments and sexually oriented businesses that are referenced and defined herein. Secondary effects have been shown to include increased crime, adverse impacts to public health, adverse impacts on the business climate of the Town, adverse impacts on the property values of residential and commercial properties and impacts on the quality of life in Town. All of said adverse impacts are adverse to the health, safety and general welfare of the Town of Uxbridge and its inhabitants. The provisions of this Section have neither the purpose nor intent of imposing a limitation on the content of any materials. Similarly, it is not the purpose or intent of this Section to restrict or deny access by adults to adult

entertainment establishments or to sexually oriented matter or materials that are protected by the Constitution of the United States or of the Commonwealth of Massachusetts, nor to restrict or deny rights that distributors of exhibitors of such matter or materials may have to sell, rent, distribute or exhibit such matter or materials. Neither is it the purpose or intent of this Section to legalize the sale, rental, distribution or exhibition of obscene or other illegal matter or materials.

C. Location and Uses

Adult Entertainment establishments shall be permitted only in the Industrial zoning district, by special permit of the Planning Board. Adult entertainment uses shall include the following: adult bookstores, adult motion picture theaters, adult paraphernalia store, adult video store, and establishments which display live nudity for its patrons, all as defined by M.G.L. c. 40A, § 9A.

D. Permitted by Special Permit

Adult entertainment uses shall be prohibited in all zoning districts except as otherwise permitted by these Bylaws and may be permitted only upon the grant of a special permit by the Planning Board. Such a special permit shall not be granted unless each of the following standards has been met:

1. The application for a special permit for an adult use shall provide the name and address of the legal owner of the establishment, the legal owner of the property, and the manager of the proposed establishment.
2. No adult use special permit shall be issued to any person convicted of violating the provisions of M.G.L. Chapter 119, § 63, or M.G.L. Chapter 272, § 28.
3. Adult uses shall not be located within:
 - a. 1,000 feet from the nearest church, school, park, playground, play-field, youth center, or 1000 feet from any school bus stop.)
 - b. 1,000 feet from the nearest establishment licensed under M.G.L. Chapter 138, § 12; or
 - c. 500 feet from the nearest adult entertainment use as defined herein; or
 - d. 1000 feet from the nearest residential zoning district.

The distances specified above shall measure by a straight line from the nearest property line of the premises on which the proposed adult entertainment use is to be located to the nearest boundary line of a residential zoning district or to the nearest property line of any other designated uses set forth above.

4. All building openings, entries or windows shall be screened in such a manner as to prevent visual access to the interior of the establishment by the public.
5. No adult uses shall be allowed for display or advertisement or other purposes any sign, placard or other like materials to the general public on the exterior of the building or on the interior where the same may be seen through glass or other like transparent material any sexually explicit figures or words as defined in M.G.L. Chapter 272, § 32.

6. No adult use shall be allowed to disseminate or offer to disseminate adult matter or paraphernalia to minors or to allow minors to view displays or linger on the premises.
7. The proposed adult entertainment uses shall comply with all of the parking requirements set forth by these Bylaws.
8. No adult entertainment use shall have a freestanding accessory sign. No adult entertainment use shall be established prior to the submission and approval of a site plan by the Planning Board.

E. Conditions

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The Planning Board may impose reasonable conditions, safeguards and limitations on time or use of any special permit granted and shall require that any such permit shall be personal to the applicant, shall not run with the land, and shall expire upon sale or transfer of the subject property.

F. Expiration

A special permit to conduct an adult entertainment use shall expire after a period of three calendar years from its date of issuance and shall be automatically renewable for successive three-year periods thereafter provided that a written request for such renewal is made to the Planning Board prior to said expiration and that no objection to said renewal is made and sustained by the Planning Board based upon the public safety factors applied at the time that the original special permit was granted.

§ 400-22 Trailers; Junk Cars

A. Tourist Camps, Trailer Parks and Construction Trailers

No tourist camp or trailer park will be permitted to locate within boundaries of the Town and no individual house trailer or mobile home shall be located within the boundaries of said Town for a period exceeding fourteen (14) days. Construction trailers will be allowed for a period not to exceed one (1) year; provided, however, that said construction trailer shall not be used for living quarters. A permit for construction trailers must be obtained from the Zoning Inspector. This Section is not to apply to individual house trailers that are permanently located within the Town at the time of the adoption of these Bylaws.

B. Junk Cars

No junk cars shall be located within the boundaries of the Town of Uxbridge unless a special permit therefore has been obtained in accordance with Section 400-50.

§ 400-23 Reserved

§ 400-24 Reserved

§ 400-25 Reserved

§ 400-26 **Reserved**

§ 400-27 **Reserved**

ARTICLE VII
SPECIAL RESIDENTIAL REGULATIONS

§ 400-28 Open Space Development

An Open Space Development, for the purpose of these Bylaws is a development intended to encourage: (i) optimum utilization of natural land features and characteristics through a greater design flexibility; (ii) the preservation of open spaces for conservation, outdoor recreation or park purposes; (iii) efficient provision of municipal services; and (iv) the retention of the rural setting.

A. Definition

For the purposes of this section, an Open Space Development shall mean a tract of land to be developed as an entity by a Landowner with residential buildings comprising two (2) to four (4) dwelling units per building and having an exterior entrance serving no more than two (2) dwelling units.

B. Basic Requirements

A proposed planned Open Space Development shall meet the following basic requirements:

1. The minimum tract size shall be ten (10) acres.
2. All dwelling units shall be served by municipal water and sewerage which shall be installed at the expense of the developer.
3. No building shall contain more than four (4) dwelling units.
4. No dwelling shall be closer than three hundred (300) feet from a lake or pond and one hundred (100) feet from a running, natural stream or river.

C. Number of Dwelling Units Permitted

The number of dwelling units in a tract shall not exceed three (3) dwelling units per acre inclusive of open space.

D. Design Requirements

1. A minimum distance of sixty (60) feet shall be maintained between structures. Setbacks for structures from private and public roads shall be a minimum of forty (40) feet.
2. All land designated as developed area shall be considered open space except paved roads, parking areas, areas in which structures have been built and areas included in Section 400-28(D)(1) above.
3. A minimum of forty percent (40%) of the total tract size shall be set aside, not built upon or paved, but shall be landscaped and/or left in its natural state with an acceptable balance of trees, shrubs and grass and shall be considered open space.

4. A landscaped buffer area of at least one hundred (100) feet in width shall be provided adjacent to each neighboring property line of the tract. All buffer areas shall be planted or preserved in their natural state with a mixture of coniferous and deciduous trees and shrubs and shall be maintained so as to protect adjacent properties with a natural visual barrier. Buffer area shall be considered part of open space.
5. Each tract shall include usable recreation areas (ie: tennis, play, swimming, etc.) easily accessible to building complexes of size equal to seven hundred fifty (750) square feet per dwelling unit. Such areas shall not be included in the buffer area.
6. All utilities shall be placed underground.
7. Open space provided in Section 400-28(D)(5) above shall be used for conservation, outdoor recreation or park purposes and shall be of a size and shape appropriate for its intended use as determined by the Planning Board. Such open space land shall be conveyed to all home-owners within such tract jointly or to a trust, the beneficiaries of which shall be the home-owners within such tract. Each trust shall have as one of its purposes the maintenance of such land for conservation, recreation or park purposes.

E. Relationship to other Town Regulations

Nothing contained herein shall in any way exempt a proposed Open Space Development from compliance with the Subdivision rules and Regulations of the Planning Board and the Department of Public Works nor shall it in any way affect the right of the Board of Health and the Planning Board and the Department of Public Works to approve with or without conditions and modifications, or disapprove a subdivision plan in accordance with the provisions of such Rules and Regulations and of the Subdivision Control Law.

F. Issuing Authority

The Planning Board is the issuing authority for Open Space Development. It shall not issue approval for an Open Space Development if it appears that, because of soil, drainage, traffic or other conditions, the issuing of such approval would be detrimental to the neighborhood or to the Town or inconsistent with the purpose of Open Space Development. In issuing approval the Planning Board shall impose such additional conditions and safe-guards as public safety, welfare and convenience may require.

G. Construction

All construction within Open Space Development areas are to comply with these Bylaws.

H. Parking Requirements

Minimum of two (2) paved off-street parking spaces shall be provided for each dwelling unit. Each parking area shall be conveniently located to those dwelling units for which they are intended but shall not be located within the designated buffer area.

I. Height Requirements

The maximum height of any structure shall not exceed thirty-five (35) feet.

J. Site Plan Review, Generally

The application of a planned Open Space Development shall be accompanied by a site plan. The contents of such plan for an Open Space Development shall conform with the existing Rules and Regulations governing the contents and preparation of Definitive Plans under subdivision control and shall also include the following:

1. Soil culture of land such as wooded pasture, rock outcrops or swampy.
2. Proposed landscaping and use of land which is to be reserved for conservation, recreation or park use including any proposed structures. Provided additionally that Open Space Development will only be permitted in the Residence A Zone.

§ 400-29 Townhouse Development

A. Purpose and Intent

Townhouse Development is an alternative, residential development pattern intended to encourage conservation of open space, while providing for a mix of housing types in the Town at the same total density of dwelling units as would be permitted by right in the Residence A District, but without the necessity for subdividing the development site into individual lots. In a Townhouse Development, dwellings should be constructed in appropriate clusters 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. A townhouse shall mean a building containing two or more attached dwelling units, each dwelling unit in the building being separated from the others by one or more party walls and each dwelling unit having its own front and rear access to the exterior of the building. A townhouse may also be an apartment building, except that no dwelling unit in a townhouse is located over or under any other dwelling unit in the building.

B. Minimum Lot Size

A Townhouse Development may be permitted on a single tract of land which:

1. conforms to the definition of "Lot" contained in Article X of these Bylaws;
2. has an area of at least 600,000 square feet;
3. meets the contiguous buildable lot area requirement contained in Section 400-14(D) of these Bylaws; and
4. has a minimum of one-hundred and twenty-five (125) of frontage on an existing public way.

The provisions of Section 400-13 shall not apply to Townhouse Developments permitted under this Section.

C. Maximum Density of Development

1. A Townhouse Development shall contain a mix of townhouse-style dwellings containing no more than five dwelling units per building, and town-house style duplex houses, provided

however, that no less than twenty (20) % of the total number of dwellings units in the Development must be in duplex houses.

2. The maximum allowable density for a Townhouse Development shall be one dwelling unit for each 11,000 square feet of the total upland area of the lot.

D. Minimum Dimensional Standards

1. No building shall be closer than twenty-five (25) feet to any other building in the Development.
2. All structures other than stone walls and fences, and all paved areas, shall be set back at least thirty-five (35) feet from the side and rear lot lines of the lot. All structures other than stone walls and fences, and all paved areas except access drives, shall be set back at least two-hundred and fifty (250) feet from the front lot line.
3. Lot coverage by all structures and paving shall not exceed twenty-five (25)% of the total area of the lot.

E. Open Space and Buffers

1. All land area not devoted to buildings, structures, 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 Planning Board.
2. A landscaped or natural buffer of at least thirty-five (35) feet in width shall be established and maintained along the entire perimeter of the lot except for the development entrance(s) from the street. The plantings shall incorporate a mixture of coniferous and deciduous trees and shrubs so as to provide a natural visual and sound barrier. In appropriate cases, the Planning Board may require augmentation of existing vegetation by additional plantings and/or fencing along some, or all, of the lot perimeter.
3. 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 Townhouse Development, or by a membership corporation or trust whose members are all of the owners of the dwelling units, or as the Planning Board may otherwise direct.

F. Limitation on Subdivision

A lot used for a Townhouse Development may not be divided or reduced in size and a notation to that effect must be placed on the Site Plan for said Development.

G. Site Plan

The application for a Town House 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.

H. 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.

I. Height Requirements

No structure in a Townhouse Development shall exceed thirty-five (35) feet in height.

J. Criteria for Review

The Planning Board shall not grant a special permit for a Townhouse 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 Townhouse Development would be inconsistent with the purposes and requirements of this section. In issuing a special permit for a Townhouse Development, the Planning Board shall impose such conditions and safeguards as public safety, welfare and convenience require.

§ 400-30 Conservation Design Development

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A. Definitions

For the purposes of this Section, the following terms and constructions shall apply unless a contrary meaning is required by the context or is specifically prescribed in the text:

Applicant - individuals, partnerships, corporations, trusts and other legal entities, in which the applicant of record holds a legal or beneficial ownership of greater than one percent (1%).

Conservation Design Development - a detached single-family residential development in which the house lots are clustered together into one or more groups, and each group shall be separated from one another and adjacent properties by permanently protected open space.

Development Site - parcels of land which were at any time after the date of adoption of this conservation design development by-law, part of contiguous property under common ownership (or in different ownerships each involving one or more of the same principals).

Major Development - the division of a Development Site located in the Agricultural zoning district into eight or more lots for single-family detached houses.

B. Purpose

The purpose of this Section is to encourage the preservation of open land; to enhance agricultural, open space, forestry and recreational uses; to protect community water supplies; to preserve historical and archaeological resources; to protect the natural environment; to protect the value of real property; to promote more sensitive siting of buildings and better overall site planning; to perpetuate the appearance of Uxbridge's traditional New England landscape; to facilitate the construction and maintenance of streets, utilities and public services in a more economical and efficient manner; and for its scenic beauty; and to promote the development of affordable housing.

C. Permitted by Special Permit

After the effective date of this Section, no Major Development is permitted except in accordance with a special permit for Conservation Design issued by the Planning Board under this Section.

In determining the applicability of this Section, the number of lots constituting a Major Development shall be deemed to include all lots created or proposed to be created from the Development Site after the effective date of this Section, within any five year period.

D. Pre-Application Conference

The applicant is encouraged to schedule a pre-application conference with the Planning Director who may involve other departments as necessary.

E. Procedures

Applicants for a Conservation Design Development shall file with the Planning Board six copies of each of the following:

1. A plan showing existing site conditions including the following: topography at 2 foot contours, general description of forest cover (i.e. dominant tree species, average stem diameter, etc.), stone walls, streams and ponds, permanently protected open space, wetlands, including vernal pools, floodplains, the view shed, buildings, rock ridges and outcroppings over 100 square feet, right of ways and easements.
2. A development plan conforming to the requirements for a preliminary subdivision plan showing a conventional development of the site. This plan shall be the basis of the Planning Board's determination for the maximum number of dwelling units to be allowed in the subdivision. In addition to the requirements under a preliminary subdivision, such plan shall also indicate slopes over 20%, the results of deep soil test pits and percolation tests at reasonable intervals, but in no case fewer than 10 % of the proposed lots in the conservation design development. Where wetland delineation is in doubt or dispute, the Planning Board shall require the applicant to submit to the Conservation Commission a request for a determination of applicability for concurrence of the wetland boundary.
3. Any additional information required by the Planning Board to make the determination and assessments cited herein.

F. Determination of Density

The basic number of lots for single family detached houses in a Conservation Design Major Development shall be that number of lots which could be developed on the Development Site in full conformance with all zoning, subdivision, and other state and local regulations normally applicable to the creation and development of lots for single-family detached houses in the Agricultural zoning district, and without the need for extraordinary engineering measures. The Applicant for a Conservation Design Special Permit shall submit to the Planning Board a density plan, meeting the requirements for a preliminary subdivision plan as provided 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 Conservation Design special permit application, and shall be required to demonstrate to the Planning Board's satisfaction that the lots shown on the density

plan may be developed without reliance on any waivers from the Rules and Regulations for the Subdivision of Land, without any variances from these Bylaws or from any other applicable local or state regulation, and without extraordinary engineering measures. The Planning Board's determination of the basic number of lots shall be conclusive, and shall be the maximum number of lots permitted under the Conservation Design special permit unless the Planning Board specifically authorizes an increase in that number as provided below.

1. Increase in Number of Lots. The Planning Board may permit up to a 10% increase in the density of a Conservation Design development if the applicant makes a dedication of land for a public purpose or proposes an access easement to open space, if either, in the opinion of the Board, warrants such an increase. In addition, for land Development Sites in income producing agricultural use at the time of the filing of the Application, and where a significant portion of the Open Space land in the development is proposed to remain in agricultural use, the Planning Board may permit up to a 20% increase in the density of the Conservation Design development.
2. Modification of Lot Requirements. In granting a Conservation Design Special Permit, the Planning Board may authorize the modification of frontage, lot size, lot shape, yard, and lot coverage requirements otherwise applicable in the Agricultural zoning district, subject to the following limitations:
 - a. each lot shall contain not less than 30,000 square feet in area and shall have frontage of not less than 100 feet, except on a cul-de-sac where each lot shall have frontage of not less than 50 feet.
 - b. each lot shall have not less than 50% of the required yard and setback areas.
 - c. each lot shall have a maximum coverage by buildings of 25%, and by buildings and other impervious surfaces of 40%.

G. Open Space Requirements

A minimum of 50% of the Development Site shall be preserved as permanent open space. At least 40% of said parcel shall be contiguous open space, excluding required yards. No more than 25% of the required open space shall consist of wetlands, as defined in M.G.L.c. 131 § 40, slopes over 20%, or drainage structures. Additionally, the following requirements and/or standards shall apply:

1. The required open space shall be used for conservation, agriculture, horticulture, forestry, historic preservation and education, outdoor education, recreation and park purposes, or for a combination of such purposes, as determined by the Planning Board, and shall be provided with suitable access for such purposes.
2. The required open space shall remain unbuilt upon, provided that 10% of such open space may be paved or built upon for structures accessory to the dedicated use or uses of such open space, including pedestrian walks and bike paths.
3. Underground utilities and drainage structures to serve the Conservation Design Development site may be located within the required open space, subject to the limitations on drainage structures as set forth above.

4. The required open space shall, at the owner's election and with the concurrence of the Town, be conveyed to:
 - a. the Town of Uxbridge or its Conservation Commission;
 - b. a nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space as set forth above;
 - c. a corporation or trust owned jointly or in common by the owners of lots within the Conservation Design Development.

In the event a corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of the open space and facilities shall be permanently guaranteed by such corporation or trust which shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town of Uxbridge to perform maintenance of the open space and facilities, if the trust or corporation fails to provide adequate maintenance and shall grant the town an easement for this purpose. In such event, the town shall first provide 14 days' written notice to the trust or corporation as to the inadequate maintenance and, if the trust or corporation fails to complete such maintenance, the town may perform it. The owner of each lot shall be deemed to have assented to the town filing a lien against each lot in the development for the full cost of such maintenance, which liens shall be released upon payment to the town of same. Each individual deed and the deed or trust or articles of incorporation shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded in the Registry of Deeds.

5. The required open space shall be made subject to a permanent conservation restriction, enforceable by the Town and providing that such land shall be perpetually retained and maintained in its natural, scenic and open condition, in agricultural or forest use, and/or for recreational purposes, as required by the Conservation Design special permit.

H. Decision

The Planning Board may grant a special permit for a Conservation Design Development only if it determines that the proposed development conforms to the requirements of and meets the purposes of this Section.

I. Relation to Other Requirements

Approval by the Planning Board of a special permit under this Section shall not substitute for compliance with M.G.L. c. 41, §§ 81K et seq., nor obligate the Planning Board to approve a Definitive Plan for subdivision, nor reduce any time periods for Planning Board consideration under that law. A Definitive Plan designed under an approved special permit for Conservation Design Development shall be in substantial conformity with the terms and conditions of said special permit, including the Conservation Design plans on which the special permit is based.

The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of these Bylaws.

Deleted: § 400-31. Growth Management

A. Purposes

The purposes of the Growth Management By-Law (the "By-Law") are: (1) to preserve and promote the public health, safety, welfare, education and community character of the Town of Uxbridge (the "Town") by maintaining the growth of the Town at a manageable rate; and (2) to ensure adequate time exists for the Town to expand its resources to provide those services necessary to meet the educational, infrastructure and public safety needs of the residents. The Town's growth rate should not exceed its ability to provide adequate schools, roads, police and fire protection, and other municipal services necessary and appropriate to safeguard the health, welfare and safety of current and future residents.

B. Definitions

Applicant - Individuals or partnerships, corporations, trusts and other legal entities, in which the applicant of record holds a legal or beneficial ownership of greater than one percent (1%).

Dwelling - A building, or any part thereof, containing accommodations for permanent human occupancy including one and two family houses, condominiums, apartments, and boarding or lodging houses, but not including transient accommodations such as in hotels or motels.

Dwelling Unit - One or more rooms providing complete living facilities for one family, including equipment for cooking or provisions for the same, and including room or rooms for living, sleeping and eating.

Development - Lots which were at any time after the date of adoption of this growth management bylaw, part of contiguous property under common ownership (or in different ownerships each involving one or more of the same principals).

C. Applicability

The By-law shall apply to all applications for residential building permits for construction of new residential dwelling units submitted after the effective date of this By-law, except as expressly exempted in Section 400-31(F). The By-law shall apply to all residential dwelling units whether they be single-family dwelling units or units in multi-family dwellings. The By-law shall be effective through June 30, 2009. The By-law may be extended for up to five years, to achieve its purposes without lapse of its provisions, conditions and limitations by majority vote of a Town Meeting prior to June 30, 2009. [1]

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§ 400-32 **Reserved**
§ 400-33 **Reserved**
§ 400-34 **Reserved**
§ 400-35 **Reserved**
§ 400-36 **Reserved**

ARTICLE VIII
OVERLAY DISTRICT REGULATIONS

§ 400-37 Flood Plain Overlay District

A. Permitted Uses

In those portions of the Town so indicated on the F.E.M.A. flood insurance rate maps dated June 1, 1983, as amended, Zones A, A1 through A30 designated as special flood hazards, the following uses of land, buildings and structures exclusive of the floodway shown on the floodway flood boundary maps June 1, 1983 shall be permitted: agriculture; forestry; hunting and fishing; boating and boat facilities; and temporary buildings.

Deleted: Within Zone A when the base flood elevation is not provided on F.I.R.M., an applicant shall obtain any existing data and it shall be reviewed by the building inspector for its use in meeting requirements in Section 744 of the State Building Code (deleted by Attorney General 9/30/08).

§ 400-38 Groundwater Protection Overlay District (GPOD)

A. Purpose

The purpose of this section is to preserve the public health by protecting the Town's groundwater resources from contamination.

B. Establishment and Delineation

For the purpose of this Section, there is hereby established within the Town certain groundwater protection districts consisting of municipal well fields, aquifers and/or aquifer recharge areas. The boundaries of these district(s) are delineated on a map on file in the office of the Town Clerk entitled "Groundwater Protection District(s), Town of Uxbridge," dated April 1, 1991.

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C. Use Regulations

The Groundwater Protection District(s) shall be considered as overlaying other zoning districts and the regulations contained herein shall be in addition to the regulations in the underlying zoning districts.

1. The following uses are prohibited in the Groundwater Protection District(s) unless a special permit is granted by the Board of Appeals upon a finding that the proposed use will not adversely affect the groundwater or public health:
 - a. aboveground storage of all petroleum products and toxic or hazardous materials without leak containment designed, constructed and operated to specifications acceptable to the Uxbridge Fire Department. (527 CMR 14:00 and 310 CMR 30:00 limits apply)
 - b. underground storage of all petroleum products and toxic or hazardous materials.
 - c. junk and salvage yards (as defined by MGL Chapter 140, Section 58, class 3).
 - d. landfills (as defined by 310 CMR 19:00)

- e. commercial and industrial on site sanitary and process waste disposal.
- f. landfilling of sewage sludge, sewage sludge ash, septage, and related residues.
- g. land application of Type II & Type III sludge & septage (as defined by 310 CMR 32:00)
- h. facilities that generate, treat, store or dispose of hazardous waste (as defined by MGL 21C and 310 CMR 22:21 and 30:00)

In the event that the Board of Appeals grants a special permit for a use otherwise prohibited under this section, said special permit may only be granted upon approval of and subject to conditions recommended to the Board of Appeals by the Board of Public Works, the Fire Chief, The Hazardous Waste Coordinator(s) and the Board of Health.

The Board of Appeals shall notify in writing the above mentioned Boards or officials that a Special Use Permit has been applied for in the Groundwater Protection District within seven days after receiving said application. Failure of a Board or official to respond in person or in writing at the time of the initial ZBA hearing shall be deemed an approval of the application.

- 2. All uses allowed in the underlying zoning district and not specifically prohibited herein are permitted.

§400-39 Bernat Mill Adaptive Reuse Overlay District (BMAROD)

A. Purpose

The intent of this section is to create an overlay district that allows for the adaptive reuse of underutilized historic mills and their appurtenant land in the Town of Uxbridge. The primary purposes for the Bernat Mill Adaptive Reuse Overlay District (the “BMAROD”) are:

- 1. To promote the economic health and vitality of the Town by encouraging the preservation, reuse, renovation, and redevelopment of underutilized or abandoned historic mill properties;
- 2. To allow for the conversion of Uxbridge’s historic mills in a way that preserves the character of nearby residential and commercial neighborhoods; and
- 3. To encourage residential, commercial, and mixed-use development that includes, but is not limited to, offices, retail and/or service establishments, community facilities, and housing.

B. Establishment and Delineation

The Bernat Mill Adaptive Reuse Overlay District is hereby established as an overlay district. 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 site is known as the Bernat Mill Complex, and is shown on Assessor’s Map 25, Parcel 157.

C. Use Regulations

All uses permitted in the underlying zoning districts are permitted uses in the BMAROD. The following additional uses shall be permitted in the BMAROD by special permit as part of an adaptive reuse of an historic mill property:

1. Office for administrative, executive, professional, sales and other similar uses;
2. Retail, service, and restaurant;
3. Institutional (museum, educational use, charitable or philanthropic institution, municipal use, club, lodge, or similar uses);
4. Recreational;
5. Residential; and
6. Appropriate accessory uses.

D. Permitted by Special Permit

Adaptive reuse of a historic mill property within the BMAROD may be conducted upon the issuance of a special permit with site plan approval under this section. In addition, the special permit requirements of Section 400-50 shall apply where applicable.

E. Special Permit Granting Authority

The Planning Board shall be the Special Permit Granting Authority for issuance of special permits for the adaptive reuse of historic mill properties within the BMAROD.

F. Application

1. Pre-application review. The applicant is strongly encouraged to request a pre-application review at a regular business meeting of the Planning Board prior to submitting a formal application. The purpose of a pre-application review is to minimize the applicant's costs of engineering and to commence discussions with the Planning Board at the earliest possible stage in the development. At the pre-application review, the applicant may outline the proposed project for adaptive reuse, seek preliminary feedback from the Planning Board and/or its technical experts, and set a timetable for submittal of a formal application.

No formal filings are required for the pre-application review; however, the applicant is encouraged to prepare sufficient preliminary architectural and/or engineering drawings to inform the Planning Board of the scale and overall design of the proposed project.
2. Special permit/site plan review. An application for a special permit for the adaptive reuse of an historic mill property shall be submitted to the Planning Board on forms furnished by the Planning Board.
3. Submission requirements.

- a. A site plan shall be prepared by a registered professional engineer, architect or landscape architect at a scale of one inch equals 20 feet, on standard twenty-four by thirty-six-inch sheets, with narrative information on eight-and-one-half by eleven-inch sheets.
- b. A site plan shall include all of the data, details and supporting information as follows:
 - (1) The name of the project, boundaries and locus maps showing the site's location in town, date, North arrow and scale of the plan.
 - (2) Names and addresses of the owner of record, the developer and the seal of the engineer, architect or landscape architect.
 - (3) Names and addresses of all owners of record of abutting parcels and those within 300 feet of the property line.
 - (4) All existing lot lines, easements and rights-of-way (including area in acres or square feet), abutting land uses and the location and use of structures within 300 feet of the site.
 - (5) The locations and uses of all existing and proposed buildings and structures within the development, including all dimensions of height and floor area, and showing all exterior entrances and all anticipated future additions and alterations.
 - (6) The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping, walls and fences. Location, type and screening details for all waste disposal containers shall also be shown.
 - (7) The location, height, intensity, and bulb type (e.g. fluorescent, sodium incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
 - (8) The location, height, size, materials and design of all proposed signage.
 - (9) The location of all present and proposed utility systems, including: sewage or septic system; water supply system; telephone, cable and electrical systems; and storm drainage system, including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes and drainage swales. The Planning Board may also request soil logs, percolation tests and storm runoff calculations for large or environmentally sensitive development.
 - (10) Plans to prevent pollution of surface or ground water, erosion of soil, both during and after construction, excessive runoff, excessive raising or lowering of the water table and flooding of other properties, as applicable.

- (11) Existing and proposed topography at a two-foot contour interval. All elevations shall refer to the nearest United States Geodetic Bench Mark. If any portion of the parcel is within the one-hundred-year floodplain, the area will be shown and base flood elevations given. Indicate areas within the proposed site and within 50 feet of the proposed site where ground removal or filling is required and give its approximate volume in cubic yards.
- (12) A landscape plan showing existing natural land features, trees, forest cover and water sources and all proposed changes to these features, including size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains and drainage retention areas.
- (13) Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on site and within 100 feet of the site.
- (14) Elevation plans at a scale of 1/4 inch equals one foot for all exterior facades of the proposed structure(s) and/or existing facades, plus addition(s), showing design features and indicating the type and color of materials to be used.
- (15) Information on the location, size and type of parking, loading, storage, and service areas; parking calculations based on the requirements of the Planning Board, Off-street parking, loading and landscaping standards.
- (16) For large developments, those exceeding 10,000 square feet of gross floor area or requiring more than 25 parking spaces, or for smaller developments located in high density areas, the Planning Board may require a development impact assessment which shall include the following:
 - (a) Traffic impact assessment.
 - (i) Purpose. The assessment will document existing traffic conditions in the vicinity of the proposed project, describe the volume and effect of projected traffic generated by the proposed project and identify measures proposed to mitigate any adverse impacts on traffic.
 - (ii) Format and scope.
 - A. Existing traffic conditions; average daily and peak hour volumes, average and peak speeds, sight distance, accident data and levels of service (LOS) of intersections and streets likely to be affected by the proposed development. Generally, such data shall be presented for all streets and intersections adjacent to or within 1,000 feet of the project boundaries.

- B. The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels.
 - C. The projected traffic flow pattern, including vehicular movements at all major intersections likely to be affected by the proposed use of the site.
 - D. The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities.
 - E. Traffic assessment data shall be no more than 12 months as of the date of the application.
 - F. All off-site improvements required as a condition of site plan approval must be necessitated by the proposed project.
- (b) Environmental impact assessment.
- (i) Purpose. To describe the impacts of the proposed project with respect to on-site and off-site environmental quality.
 - (ii) Format and scope:
 - A. Description and evaluation of potential quality of air, surface water and groundwater adjacent to or directly affected by the proposed development; on-site or off-site flooding, erosion and/or sedimentation resulting from alterations to the project site, including grading changes and increases in impervious areas; on-site or off-site hazards, radiological emissions or other hazardous materials; adverse impacts on temperature and wind conditions on the site and adjacent properties; impacts on solar access of adjacent properties; and off-site noise or light impacts.
 - B. Evaluation of the adequacy of existing or proposed systems and services for water supply and disposal of liquid and solid wastes.
 - C. Description of proposed measures for mitigation of any potential adverse impacts identified above.

- (c) Fiscal impact assessment; format and scope.
 - (i) Projections of cost arising from increased demands on public services and infrastructure.
 - (ii) Projections of the impacts from increased tax revenue, employment (construction and permanent), and value of the public infrastructure to be provided.
 - (iii) Projections of the impacts of the proposed development on the values of adjoining properties.
 - (iv) Five-year projections of increased town revenues and costs resulting from the proposed development.
 - (d) Community impact assessment; format and scope:
 - (i) Evaluation of the relation of the proposed new or altered structure to the surrounding community in terms of character and intensity of the use (e.g., scale, materials, colors, setbacks, roof and cornice lines and other major design elements); and the location and configuration of proposed structures, parking areas and open space with respect to neighboring properties.
 - (ii) Identification of impacts on significant historical properties, districts or areas or archaeological resources (if any) in the vicinity of the proposed development.
 - (iii) Evaluation of the proposed project's consistency of compatibility with existing local and regional plans.
 - (17) A copy of all permits, approvals, variances and applications applied for and obtained for the project and property, including an application for utility connection permits.
- c. The Planning Board may waive any of the requirements listed above if it believes that said requirement is not necessary based upon the size and scope of the project.
4. Standards for review. The Planning Board shall review the site plan and supporting materials, taking into consideration the reasonable fulfillment of the objectives listed below. Detailed design guidelines and performance standards shall be adopted to guide decisions with respect to these objectives and to help ensure consistency in the review of all applications.
- a. Legal. Conformance with the provisions of the bylaws of the town, the General Laws of Massachusetts and all applicable rules and regulations of local, state and federal agencies.

- b. Traffic. Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
- c. Parking. Provisions for the off-street loading and unloading of vehicles, incidental to the normal operation of the establishment; adequate parking; adequate lighting; and internal traffic control.
- d. Town services. Reasonable demands placed on town services and infrastructure.
- e. Pollution control. Adequacy of methods for sewage and refuse disposal and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.
- f. Nuisance. Protection of abutting properties and town amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, stormwater runoff, etc.
- g. Existing vegetation. Minimizing the area over which existing vegetation is to be removed. Where tree removal is necessary, special attention shall be given to the planting of replacement trees.
- h. Amenities. The applicant's efforts to integrate the proposed development into the existing landscape through design features, such as vegetative buffers, roadside planting and the retention of open space and agricultural land.
- i. Town character. The setback areas and location of parking, architectural compatibility, signage and landscaping of the development and how these features harmonize with the surrounding townscape and the natural landscape.

G. Development Standards

In order to be eligible for consideration for a special permit pursuant to this Section, the proposed development shall meet all of the following standards:

1. Density. For the conversion of the historic mill property that proposes residential uses, the maximum number of dwelling units shall not exceed 50% of the gross floor area of the present facility. 50% of the present facility shall remain in commercial space. The maximum number of units shall be limited to 100.
2. Dimensional regulations. The proposed development shall be exempt from Article IV of these Bylaws, and the following dimensional requirements shall apply in place thereof:

USE	FRONT	SIDE	REAR
New Building	15'	10'	10'
Accessory*	10'	10'	10'
Parking area	5'	5'	5'
Driveway	5'	5'	5'

* Any accessory use to the principle use.

Existing structures to be razed may be replaced in and on the original location.

3. **Parking. Number of Parking Spaces.** The Applicant shall provide adequate parking to serve all anticipated uses on the property, with information detailing the method of computation of parking spaces. The minimum number of parking spaces shall be computed using the requirement of 1.5 spaces per unit. The Planning Board may allow a reduction of the required number of spaces by up to twenty-five percent (25%) if it can be demonstrated that two (2) or more uses within the development can share parking spaces. In determining the appropriate reduction, if any, the Planning Board may give consideration to the hours of operation and/or usage of the proposed uses within the development, the opinions of merchants, residents and municipal officials as to the adequacy or inadequacy of parking spaces within the surrounding area, as well as other relevant information.
4. **Expansion of Existing Buildings.** Existing buildings, through a special permit under this section, may be expanded provided that such expansion is consistent with the existing building's historic character and scale and does not cause substantial detriment after considering the factors set forth herein.
5. **New Buildings.** New buildings, through a special permit under this section, may be constructed provided that the number, type, scale, architectural style, and uses within such new buildings shall be subject to Planning Board Approval.

H. Action by the Special Permit Granting Authority

The SPGA hereunder after considering reports from consultants and other Boards and/or Commissions, may grant a special permit for the conversion of an historic mill property where it makes the following findings:

1. The proposed adaptive reuse constitutes an appropriate redevelopment; and
2. The proposed conversion does not cause substantial detriment to the neighborhood or town after considering the traffic, environmental, fiscal, and community impact assessments.

I. Exemption from the Growth Bylaw

The BMAROD shall be exempt from Section 400-31 of these Bylaws or any other bylaws that control rate of development. For the purpose of this Section, building permits will be limited to 25 per year.

§400-40 **Waucantuck Mill Adaptive Reuse Overlay District (WMAROD)**

A. Purpose

The intent of this section is to create an overlay district that allows for the adaptive reuse of underutilized historic mills and their appurtenant land in the Town of Uxbridge. The primary purposes for the Waucantuck Mill Adaptive Reuse Overlay District (the "WMAROD") are:

1. To promote the economic health and vitality of the Town by encouraging the preservation, reuse, renovation, and redevelopment of underutilized or abandoned historic mill properties;
2. To allow for the conversion of Uxbridge's historic mills in a way that preserves the character of nearby residential and commercial neighborhoods; and
3. To encourage residential, commercial, and mixed-use development that includes, but is not limited to, offices, retail and/or service establishments, community facilities, and housing.

B. Establishment and Delineation

The Waucantuck Mill Adaptive Reuse Overlay District is hereby established as an overlay district. 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 site is known as the Waucantuck Mill and its adjacent properties, and is shown on Assessor's Map 20, Parcels 3226, 3231, 3261, 1749, 2546, 2524, 2582, 2554, 2522, 919, 1629, 1653, 1659, 1686, 2423, 2426 and 2467 and the Stanley Woolen Mill and associated parcels, identified as Assessor's Map 19 Parcel 3621, and a portion of Assessor's Map 19 Parcel 2739 being described as follows:

Beginning at a point on the easterly sideline of Cross Street, at land now or formerly of Deane Redevelopment, LLC and at the most southerly corner of the parcel to be described; Thence the following two courses by the easterly and northerly sideline of Cross Street: N 05° 13' 14" W, a distance of 60.00 feet to a point; Thence S 81° 17' 46" W, a distance of 186.94 feet to a point; Thence N 24° 23' 53" E, a distance of 540.01 feet to a point; Thence N 83° 15' 30" E, a distance of approximately 278 feet to the high water line of the Blackstone River; Thence southeasterly approximately 335 feet by the high water line of the Blackstone River to a point at land of the aforementioned Deane Redevelopment, LLC;

Thence the following seven courses by land of said Deane Redevelopment, LLC: S 83° 15' 30" W, a distance of 47.50 feet to a point; S 06° 44' 30" E, a distance of 113.10 feet to a point; S 83° 15' 30" W, a distance of 105.90 feet to a point; S 06° 44' 30" E, a distance of 42.53 feet to a point; S 83° 15' 30" W, a distance of 35.00 feet to a point; S 06° 44' 30" E, a distance of 27.36 feet to a point; S 82° 34' 46" W, a distance of 176.58 feet to the point of beginning.

The above described parcel contains 4.14 acres more or less (Amended 5/14/08 by adding the Stanley Woolen parcels)

C. Use Regulations

All uses permitted in the underlying zoning districts are permitted uses in the WMAROD. The following additional uses shall be permitted in the WMAROD by special permit as part of an adaptive reuse of an historic mill property:

1. Office for administrative, executive, professional, sales and other similar uses;
2. Retail, service, and restaurant;
3. Institutional (museum, educational use, charitable or philanthropic institution, municipal use, club, lodge, or similar uses);
4. Recreational;
5. Residential; and
6. Appropriate accessory uses.

D. Permitted by Special Permit

Adaptive reuse of an historic mill property within the WMAROD may be conducted upon the issuance of a special permit by the Planning Board in accordance with Section 400-49 of these Bylaws.

E. Special Permit Granting Authority

The Planning Board shall have authority to issue special permits for the adaptive reuse and/or redevelopment of historic mill properties within the WMAROD and shall serve as the Special Permit Granting Authority (SPGA) pursuant to this Section.

F. Application

1. Pre-application review. The applicant is strongly encouraged to request a pre-application review at a regular business meeting of the Planning Board prior to submitting a formal application. The purpose of a pre-application review is to minimize the applicant's costs of engineering and to commence discussions with the Planning Board at the earliest possible stage in the development. At the pre-application review, the applicant may outline the proposed project for adaptive reuse, seek preliminary feedback from the Planning Board and/or its technical experts, and set a timetable for submittal of a formal application.

No formal filings are required for the pre-application review; however, the applicant is encouraged to prepare sufficient preliminary architectural and/or engineering drawings to inform the Planning Board of the scale and overall design of the proposed project.

2. Special permit/site plan review. An application for a special permit for the adaptive reuse of an historic mill property shall be submitted to the Planning Board on forms furnished by the Planning Board.

3. Submission requirements.

- a. A site plan shall be prepared by a registered professional engineer, architect or landscape architect at a scale of one inch equals 20 feet, on standard twenty-four by thirty-six-inch sheets, with narrative information on eight-and-one-half by eleven-inch sheets.
- b. A site plan shall include all of the data, details and supporting information as follows:
 - (1) The name of the project, boundaries and locus maps showing the site's location in town, date, North arrow and scale of the plan.
 - (2) Names and addresses of the owner of record, the developer and the seal of the engineer, architect or landscape architect.
 - (3) Names and addresses of all owners of record of abutting parcels and those within 300 feet of the property line.
 - (4) All existing lot lines, easements and rights-of-way (including area in acres or square feet), abutting land uses and the location and use of structures within 300 feet of the site.
 - (5) The locations and uses of all existing and proposed buildings and structures within the development, including all dimensions of height and floor area, and showing all exterior entrances and all anticipated future additions and alterations.
 - (6) The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping, walls and fences. Location, type and screening details for all waste disposal containers shall also be shown.
 - (7) The location, height, intensity, and bulb type (e.g. fluorescent, sodium incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
 - (8) The location, height, size, materials and design of all proposed signage.
 - (9) The location of all present and proposed utility systems, including: sewage or septic system; water supply system; telephone, cable and electrical systems; and storm drainage system, including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes and drainage swales. The Planning Board may also request soil logs, percolation tests and storm runoff calculations for large or environmentally sensitive development.

- (10) Plans to prevent pollution of surface or ground water, erosion of soil, both during and after construction, excessive runoff, excessive raising or lowering of the water table and flooding of other properties, as applicable.
- (11) Existing and proposed topography at a two-foot contour interval. All elevations shall refer to the nearest United States Geodetic Bench Mark. If any portion of the parcel is within the one-hundred-year floodplain, the area will be shown and base flood elevations given. Indicate areas within the proposed site and within 50 feet of the proposed site where ground removal or filling is required and give its approximate volume in cubic yards.
- (12) A landscape plan showing existing natural land features, trees, forest cover and water sources and all proposed changes to these features, including size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains and drainage retention areas.
- (13) Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on site and within 100 feet of the site.
- (14) Elevation plans at a scale of 1/4 inch equals one foot for all exterior facades of the proposed structure(s) and/or existing facades, plus addition(s), showing design features and indicating the type and color of materials to be used.
- (15) Information on the location, size and type of parking, loading, storage, and service areas; parking calculations based on the requirements of the Planning Board, Off-street parking, loading and landscaping standards.
- (16) For large developments, those exceeding 10,000 square feet of gross floor area or requiring more than 25 parking spaces, or for smaller developments located in high density areas, the Planning Board may require a development impact assessment which shall include the following:
 - (a) Traffic impact assessment.
 - (i) Purpose. The assessment will document existing traffic conditions in the vicinity of the proposed project, describe the volume and effect of projected traffic generated by the proposed project and identify measures proposed to mitigate any adverse impacts on traffic.
 - (ii) Format and scope.
 - A. Existing traffic conditions; average daily and peak hour volumes, average and peak speeds, sight distance, accident data and levels of service (LOS) of intersections and streets likely to be affected by the proposed development. Generally, such data shall be presented for all streets and intersections

adjacent to or within 1,000 feet of the project boundaries.

- B. The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels.
 - C. The projected traffic flow pattern, including vehicular movements at all major intersections likely to be affected by the proposed use of the site.
 - D. The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities.
 - E. Traffic assessment data shall be no more than 12 months as of the date of the application.
 - F. All off-site improvements required as a condition of site plan approval must be necessitated by the proposed project.
- (b) Environmental impact assessment.
- (i) Purpose. To describe the impacts of the proposed project with respect to on-site and off-site environmental quality.
 - (ii) Format and scope:
 - A. Description and evaluation of potential quality of air, surface water and groundwater adjacent to or directly affected by the proposed development; on-site or off-site flooding, erosion and/or sedimentation resulting from alterations to the project site, including grading changes and increases in impervious areas; on-site or off-site hazards, radiological emissions or other hazardous materials; adverse impacts on temperature and wind conditions on the site and adjacent properties; impacts on solar access of adjacent properties; and off-site noise or light impacts.
 - B. Evaluation of the adequacy of existing or proposed systems and services for water supply and disposal of liquid and solid wastes.
 - C. Description of proposed measures for mitigation of any potential adverse impacts identified above.

- (c) Fiscal impact assessment; format and scope.
 - (i) Projections of cost arising from increased demands on public services and infrastructure.
 - (ii) Projections of the impacts from increased tax revenue, employment (construction and permanent), and value of the public infrastructure to be provided.
 - (iii) Projections of the impacts of the proposed development on the values of adjoining properties.
 - (iv) Five-year projections of increased town revenues and costs resulting from the proposed development.
 - (d) Community impact assessment; format and scope:
 - (i) Evaluation of the relation of the proposed new or altered structure to the surrounding community in terms of character and intensity of the use (e.g., scale, materials, colors, setbacks, roof and cornice lines and other major design elements); and the location and configuration of proposed structures, parking areas and open space with respect to neighboring properties.
 - (ii) Identification of impacts on significant historical properties, districts or areas or archaeological resources (if any) in the vicinity of the proposed development.
 - (iii) Evaluation of the proposed project's consistency of compatibility with existing local and regional plans.
 - (17) A copy of all permits, approvals, variances and applications applied for and obtained for the project and property, including an application for utility connection permits.
- c. The Planning Board may waive any of the requirements listed above if it believes that said requirement is not necessary based upon the size and scope of the project.
4. Standards for review. The Planning Board shall review the site plan and supporting materials, taking into consideration the reasonable fulfillment of the objectives listed below. Detailed design guidelines and performance standards shall be adopted to guide decisions with respect to these objectives and to help ensure consistency in the review of all applications.
- a. Legal. Conformance with the provisions of the bylaws of the town, the General Laws of Massachusetts and all applicable rules and regulations of local, state and federal agencies.

- b. Traffic. Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
- c. Parking. Provisions for the off-street loading and unloading of vehicles, incidental to the normal operation of the establishment; adequate parking; adequate lighting; and internal traffic control.
- d. Town services. Reasonable demands placed on town services and infrastructure.
- e. Pollution control. Adequacy of methods for sewage and refuse disposal and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.
- f. Nuisance. Protection of abutting properties and town amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, stormwater runoff, etc.
- g. Existing vegetation. Minimizing the area over which existing vegetation is to be removed. Where tree removal is necessary, special attention shall be given to the planting of replacement trees.
- h. Amenities. The applicant's efforts to integrate the proposed development into the existing landscape through design features, such as vegetative buffers, roadside planting and the retention of open space and agricultural land.
- i. Town character. The setback areas and location of parking, architectural compatibility, signage and landscaping of the development and how these features harmonize with the surrounding townscape and the natural landscape.

G. Development Standards

In order to be eligible for consideration for a special permit pursuant to this Section, the proposed development shall meet all of the following standards:

1. Density. For the conversion of the historic mill property that proposes residential uses, the maximum number of dwelling units shall not exceed 15 units per gross acre of all combined parcels of the development.
2. Dimensional regulations. The proposed development shall be exempt from Article IV of these Bylaws, and the following dimensional requirements shall apply in place thereof:

USE	FRONT	SIDE	REAR
New Building	15'	10'	10'
Accessory*	10'	10'	10'
Parking area	5'	5'	5'
Driveway	5'	5'	5'

* Any accessory use to the principle use.

Existing structures to be razed may be replaced in and on the original location.

3. **Parking. Number of Parking Spaces.** The Applicant shall provide adequate parking to serve all anticipated uses on the property, with information detailing the method of computation of parking spaces. The minimum number of parking spaces shall be computed using the requirement of 1.5 spaces per unit. The Planning Board may allow a reduction of the required number of spaces by up to twenty-five percent (25%) if it can be demonstrated that two (2) or more uses within the development can share parking spaces. In determining the appropriate reduction, if any, the Planning Board may give consideration to the hours of operation and/or usage of the proposed uses within the development, the opinions of merchants, residents and municipal officials as to the adequacy or inadequacy of parking spaces within the surrounding area, as well as other relevant information.
4. **Expansion of Existing Buildings.** Existing buildings, through a special permit under this section, may be expanded provided that such expansion is consistent with the existing building's historic character and scale and does not cause substantial detriment after considering the factors set forth herein.
5. **New Buildings.** New buildings, through a special permit under this section, may be constructed provided that the number, type, scale, architectural style, and uses within such new buildings shall be subject to Planning Board Approval.

H. Action by the Special Permit Granting Authority

The SPGA hereunder after considering reports from consultants and other Boards and/or Commissions, may grant a special permit for the conversion of an historic mill property where it makes the following findings:

1. The proposed adaptive reuse constitutes an appropriate redevelopment; and
2. The proposed conversion does not cause substantial detriment to the neighborhood or town after considering the traffic, environmental, fiscal, and community impact assessments.

I. Exemption from the Growth Bylaw

The WMAROD shall be exempt from Section 400-31 of these Bylaws or any other bylaws that control rate of development. For the purpose of this Section, building permits will be limited to 25 per year.

§ 400-41 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 townhouse 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 Article X 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; and
5. will be served by public water and public sanitary sewerage.

The provisions of Article IV 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

The provisions of Article IV of these Zoning Bylaws governing building height 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) allowance 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 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 Section 400-31 of these Bylaws or any other bylaws that control rate of development.

N. Criteria for Review

The Board of Appeals shall be the Special Permit Granting Authority under this Section. The 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 Board of Appeals shall impose such conditions and safeguards as public safety, welfare and convenience require.

- § 400-42 **Reserved**
- § 400-43 **Reserved**
- § 400-44 **Reserved**
- § 400-45 **Reserved**
- § 400-46 **Reserved**

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ARTICLE IX
ADMINISTRATION AND PROCEDURES

§ 400-47 Administration

A. Permits

These Bylaws shall be administered by the Building Inspector. Pursuant to the State Building Code, the Building Inspector may require such plans and specifications as may be necessary to determine compliance with all pertinent laws of the Commonwealth. Buildings, structures or signs may not be erected, substantially altered, moved or changed in use and land may not be substantially altered or changed in principal use unless in compliance with then-applicable zoning, and after all necessary permits have been received under federal, state and/or local law. No building shall be occupied unless an occupancy permit signed by a duly-authorized person has been granted to the owner or occupant of such building, nor shall any use be made of such building except that which is explicitly stated by such occupancy permit.

B. Enforcement

Pursuant to G.L. c. 40A, § 7, the Building Inspector shall institute and take any and all such action as may be necessary to enforce full compliance with any and all of the provisions of these Bylaws and of permits and variances issued hereunder, including notification of noncompliance and request for legal action through the Selectmen to Town Counsel.

C. Penalties

The penalty for violation of any provision of these Bylaws, of any of the conditions under which a permit is issued or of any decision rendered by the Board of Appeals shall be Three Hundred Dollars (\$300.00) for each offense. Each day that each violation continues shall constitute a separate offense.

§ 400-48 Planning Board

The Town Manager may appoint one associate member to the Planning Board who may sit on the board for the purpose of acting on a special permit application, where the Planning Board is designated as the Special Permit Granting Authority, in the case of absence, inability to act, or conflict of interest, on the part of any member of the Planning Board or in the event of a vacancy on the Board.

§ 400-49 Board of Appeals

A. Establishment

There is hereby established a Board of Appeals of three (3) members and two (2) associate members, appointed by the Town Manager.

B. Powers

The Board of Appeals shall have and exercise all the powers granted to it by Chapters 40A, 40B

and 41 of the General Laws and by these Bylaws. The Board's powers are as follows:

1. to hear and decide appeals or petitions for variances from the terms of these Bylaws, with respect to particular land or structures, as set forth in G.L. c. 40A, § 10; provided, however, that the Board of Appeals shall not grant use variances;
2. to hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any Board or administrative officer under the provisions of G.L. c. 40A, §§ 8 and 15;

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¶

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C. Regulations

The Board of Appeals may adopt rules and regulations for the administration of its powers.

D. Fees

Deleted: 4. to hear and decide comprehensive permits for the construction of low or moderate income housing by a public agency or limited dividend or nonprofit corporation, as set forth in G.L. c. 40B, §§ 20-23.¶

The Board of Appeals may adopt reasonable administrative fees and technical review fees for petitions for variances, administrative appeals.

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§ 400-50 Special Permits

A. Special Permit Granting Authority

Unless specifically designated otherwise, the Planning Board shall act as the Special Permit Granting Authority. Special Permits may be issued by the Board of Appeals in the following circumstances:

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1. Following an appeal and reversal of the denial of a Special Permit by the Planning Board the Board of Appeals may issue the permit.
2. The Board of Appeals may issue Special Permits in other specific circumstances indicated in this Bylaw.

B. Criteria

Special permits shall be granted by the Special Permit Granting Authority, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site and of the proposal in relation to that site. In addition to any specific factors that may be set forth in these Bylaws, the determination shall include consideration of each of the following:

1. social, economic, or community needs which are served by the proposal;
2. traffic flow and safety, including parking and loading;
3. adequacy of utilities and other public services;
4. neighborhood character and social structures;

5. impacts on the natural environment; and
6. potential fiscal impact, including impact on town services, tax base and employment.

C. Procedures

An application for a special permit shall be filed in accordance with the rules and regulations of the Special Permit Granting Authority.

D. Conditions

Special permits may be granted with such reasonable conditions, safeguards or limitations on time or use, including performance guarantees, as the Special Permit Granting Authority may deem necessary to serve the purposes of these Bylaws.

E. Plans

Unless otherwise provided in the rules or regulations of the Special Permit Granting Authority, an applicant for a special permit shall submit a site plan conforming to the requirements of §400-15 of this bylaw.

F. Regulations

The Special Permit Granting Authority may adopt rules and regulations for the administration of this section.

G. Fees

The Special Permit Granting Authority may adopt reasonable administrative fees and technical review fees for applications for special permits.

H. Lapse

Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 24 months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, § 17, from the grant thereof) with the Town Clerk.

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Deleted: Registered Professional Engineer, Registered Land Surveyor, Architect or Landscape Architect, as appropriate. Dimensions and scales shall be adequate to make a complete analysis and evaluation of the proposal. All plans shall have a minimum scale of 1" = 20'. ¶
. The contents of the
Deleted: shall be as follows:¶
¶ 1. Five (5) separate plans prepared at a scale of one (1) inch equals twenty (20) feet or such other scale as may be approved by the SPGA. The plans are as follows:¶
¶ a. . site layout, which shall contain the boundaries of the lot(s) in the proposed development, proposed structures, drives, parking, fences, walls, walks, outdoor lighting, loading facilities and areas for snow storage after plowing, with the first sheet in the plan being a locus plan, at a scale of one (1) inch equals one hundred (100) feet, showing the entire project and its relation to existing areas, buildings and roads for a distance of one thousand (1,000) feet from the project boundaries or such other distance as may be approved or required by the Board;¶
¶ b. . topography and drainage plan, which shall contain the existing and proposed final topography at two-foot intervals and plans for handling stormwater drainage;¶
¶ c. . utility and landscaping plan, which shall include all facilities for refuse and sewerage disposal or storage of all wastes, the location of all hydrants, fire alarm and firefighting facilities on and adjacent to the site, all proposed recreational facilities and open space areas and all wetlands including floodplain areas;¶
¶ d. . architectural plan, which shall include the ground floor plan and architectural elevations of all proposed buildings and a color rendering;¶
¶ e. . landscaping plan, showing the limits of work, existing tree lines and all proposed landscape features and improvements including screening, planting areas with size and type of stock for each shrub or ... [2]
Deleted: . the form(s) of ownership contemplated for the property and a summary of the provisions of any ownership or maintenance thereof, identification of all land that will become common or public land and any other evidence necessary to indicate compliance with these Bylaws.¶
¶ 4. . The site plan shall be accompanied by drainage calculations by a registered ... [3]

ARTICLE X
DEFINITIONS

In these Bylaws, the following terms and constructions shall apply unless a contrary meaning is required by the context or is specifically prescribed in the text of these Bylaws. Words used in the present tense include the future. The singular includes the plural and the plural includes the singular. The word "shall" is mandatory and "may" is permissive or discretionary. The word "and" includes "or" unless the contrary is evident from the text. The word "includes" or "including" shall not limit a term to specified examples, but is intended to extend its meaning to all other instances, circumstances or items of like character or kind. The word "lot" includes "plot"; the word "used" or "occupied" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied." The words "building," "structure," "lot," or "parcel" shall be construed as being followed by the words "or any portion thereof." The word "person" includes a firm, association, organization, partnership, company or corporation, as well as an individual. Terms and words not defined herein but defined in the Commonwealth of Massachusetts' state building code shall have the meaning given therein unless a contrary intention is clearly evident in these Bylaws.

Accessory Purpose and Accessory Building: A detached subordinate building located on the same lot with the main building or use, but the use of which is incidental to that of the main building or purpose.

Apartment House: A building containing three (3) or four (4) apartments or an independent family above the second floor, provided (a) the minimum lot size for the first unit shall be equal to the minimum lot size for a single-family residence in the zoning district, (b) 8,000 square feet of land shall be provided for each additional dwelling unit, (c) the front yard shall be landscaped and (d) 1.5 paved, off-street parking spaces shall be provided for each dwelling unit therein.

Alterations: An alteration is a partial replacement, addition, modification, or rearrangement in the structural parts of the building.

Animal Clinic or Hospital; Kennel: An establishment in which four (4) or more dogs or domesticated animals are housed, groomed, bred, boarded, trained or sold.

Antique Motor Car: Any motor vehicle as defined by M.G.L. Ch. 90 § 1.

Assembly: ~~The production and/or packaging of goods using parts manufactured at another location. For purposes of this Bylaw printing and binding shall be classified as an assembly operation.~~

Deleted: over twenty five years old, which is maintained solely for use in exhibitions, club activities, parades or other functions of public interest and which is not used primarily for transportation of passengers or goods over any way.

Bed and Breakfast Establishment: Accommodations with not more than five (5) bedrooms occupied by bed-and-breakfast guests and in which the owner of the establishment resides. Bed and breakfasts are intended for guests on intermittent visits, and shall not be used as long-term rental units or apartments. All parking for residents and guests shall be off-street.

Boarding House: A building or premises other than a hotel where lodging is provided by the owner and meals are regularly served by prearrangement for compensation for five (5) or more persons, but not open to transient guests. Where five (5) or more unrelated individuals rent a dwelling, it shall be considered a boarding house.

Building: A building is a combination of materials forming a structure, with or without a roof.

Building, Existing: An existing building is one which was already built or in the process of being built under a legal building permit upon the effective date of these Bylaws.

Building, New: A new building is one erected after the effective date of these Bylaws.

Business or Professional Office: A building or part thereof for the transaction of business or the provision of services exclusive of the receipt, sale, storage or processing of merchandise, including a medical office.

Child Care Facility: A day care center or school age child care program, as those terms are defined in G.L. c. 28A, § 9.

Club, Private: Buildings, structures and premises used by a nonprofit social or civic organization, or by an organization catering exclusively to members and their guests for social, civic, recreational or athletic purposes which are not conducted primarily for gain, and provided there are no vending stands, merchandising or commercial activities except as may be required generally for the membership and purposes of such organization.

Commercial Recreation, Indoor: A structure for recreational, social or amusement purposes, which may include as an accessory use the consumption of food and drink, including all connected rooms or space with a common means of egress and entrance. Places of assembly shall include theatres, concert halls, dance halls, skating rinks, bowling alleys, billiard rooms, health clubs, dance studios and other commercial recreational centers conducted for or not-for profit, but shall not include uses specifically prohibited hereunder.

Commercial Recreation, Outdoor: A drive-in theatre, country club, golf course, miniature-golf course, driving range, bathing beach, sports club, horseback riding stable, boathouse, game preserve, marina or other commercial recreation carried on in whole or in part outdoors, conducted for or not-for profit, except those activities more specifically designated in these Bylaws. Outdoor commercial recreation shall not include motorcross, motorsports, motor vehicle or similar tracks, and all uses specifically prohibited hereunder.

Contractor's Yard: Premises used by a building contractor or subcontractor for storage of equipment and supplies, fabrication of subassemblies and parking of wheeled equipment.

Dwelling: A detached building designed and occupied as the living quarters of one (1) or more families. Single- and two-family/duplex dwellings shall be designed for and occupied by not more than one (1) or two (2) families, respectively.

Dwelling Unit - One or more rooms providing complete living facilities for one family, including equipment for cooking or provisions for the same, and including room or rooms for living, sleeping and eating.

Earth Removal: Extraction of sand, gravel, rock, clay, loam, sod, sub-soil, stone, quarried stone or other earth for sale or for use at a site removed from the place of extraction, except for the removal of such materials incidental to excavation necessary for the construction of a building in accordance with a validly-issued building permit or the construction of a private way in accordance with an approved and recorded subdivision plan, and exclusive of granite operations.

Educational use, nonexempt: Educational facilities not exempted from regulation by G.L. c. 40A, §3.

Essential Services: Services provided by a public service corporation or a governmental agency through erection, construction, alteration or maintenance of gas, electrical, steam or water transmission or distribution systems and collection, communication, supply or disposal systems, whether underground or overhead, but not including wireless communications facilities. Facilities necessary for the provision of essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment.

Family: Any number of individuals related by blood or marriage living together on the premises as a single housekeeping unit.

Deleted: and cooking

Funeral Home: A facility for the conducting of funerals and related activities, such as embalming.

Garage, Private: A private garage is a building or part of a building in which one (1) or more motor vehicles are kept for the private or professional use of the owners, their families and employees.

Garage, Public: A public garage is a building or part of a building other than a private garage in which motor vehicles are stored, and in which motor vehicles are kept for sale, rent or hire, exhibition and demonstration or the service and repair of same.

Garage, Repair Shop: A garage repair is a business building or part thereof in which repairs are made to motor vehicles.

Gasoline Selling Station; Service Station: A building or part of a building and the land thereof used in connection with tanks, pumps and other appliances to supply motor vehicles with gas, air, oil, water and other supplies of that nature, but not for the express purpose of making repairs.

Half Story: A half story is that part of a building under a sloping roof, the cubic contents of which is never more than seventy per cent (70%) of the cubic contents of the story below.

Hazardous material: as defined in MGL 21K, sec 1.

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Height: The height of a building is the vertical distance from the mean grade of the sidewalks on all abutting streets or the mean grade of the grounds adjoining the building, to the highest point of the roof beams, not including in such measurement of height, cornices which do not extend more than five (5) feet above the highest point of the roof beams, nor enclosures for tanks which do not exceed twenty (20) feet in height above the roof beams and do not exceed in united area ten per cent (10%) of the area of the roof.

Hereafter: This shall mean after the effective date of these Bylaws.

Heretofore: This shall mean before the effective date of these Bylaws.

Home occupation: An occupations, business, trade, service or profession which is incidental to and conducted in a dwelling unit or in a building or other structure accessory thereto, by a resident thereof.

Hotel; Motel: A building or part thereof used for the occupancy of transient individuals who are lodged with or without meals and where the cooking is done in a central kitchen and not in the separate rooms. No occupant of such hotel or motel may claim residency at such location.

Juice Bar: A place of business for the retail or wholesale of beverages derived wholly or in part from cereals or substitutes thereof and containing less than one-half of one per cent of alcohol, unfermented grape juice, ginger ale, root beer, sarsaparilla, pop, artificial mineral waters, carbonated waters or beverages of any kind, whether pursuant to an admission charge or not, and whether designated a public gathering place, a private club or otherwise, and whether entertainment of any kind is provided or not into which patrons are either allowed or encouraged to bring their own liquor, beer, wine or other spirituous beverages. The term "Juice Bar" shall not include those premises licensed as common victuallers pursuant to G.L. c. 140, ss.1. through 21, inclusive, those premises licensed for the sale of certain non-intoxicating beverages pursuant to G.L. c. 140, ss.21A through 21D, inclusive, or premises licensed for dispensing of alcoholic beverages pursuant to G.L. c. 138.

Junkyard: Outdoor storage of more than 3 unregistered vehicles, except where expressly authorized in a Class I or Class II Auto License issued by the Board of Selectmen.

Light Manufacturing: The indoor production and packaging of small to medium size consumer products for sale and distribution. This use specifically excludes noxious, hazardous, noisy or dangerous operations, including but not limited to drop forging, rolling, annealing, the manufacture or use of hazardous chemicals, refining, distillation, or rendering.

Lot: A parcel of land either occupied or vacant, or to be occupied by a building or group of buildings and accessory buildings and used together with such yards and other open spaces as are required by these Bylaws. A lot may be land so recorded in a deed or on a plat of record, or it may include parts of, or a combination of such lots when adjacent to one another, provided such ground is used for one improvement. All lots shall front on and have ingress and egress by means of a street or right-of-way.

Lot Area: The horizontal area of the lot exclusive of any area in a street or recorded way open to public use.

Lot, Corner: A lot abutting on two (2) or more streets at their intersection.

Lot, Front of: The front of a lot shall be considered to be that boundary of the lot which abuts on a street. In the case of a corner lot, the narrowest boundary fronting on a street shall be considered to be the front of the lot. If the corner lot has equal frontage on two (2) or more streets, the lot shall be considered to front either on the principal street or on the street on which the greatest number of buildings have been erected within the same block.

Lot, Interior: An interior lot is any lot or part of a lot other than a corner lot.

Lot Depth: The mean distance between the front and rear lot lines.

Lot Line: A lot line is a division line between adjoining properties, including a division line between individual lots established by a plan filed in the Registry of Deeds.

Lot Line, Rear: A rear lot line is the lot line opposite to the street line. In case of a corner lot the owner may designate which line will be the rear lot line, provided his choice does not involve a violation of any of the provisions of these Bylaws.

Municipal Facility: Any facility owned or operated by the Town of Uxbridge.

Nonconforming Structure: A building lawfully existing at the time of these Bylaws' effectiveness, but a building which does not conform to the regulations of the zone in which it exists.

Nonconforming Use: A non-conforming use is a use which lawfully occupied a building or land prior to and at the time these Bylaws became effective, but the use or building does not conform to the regulations for the district in which such use or building exists.

Nursing or Convalescent Home: Any building with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire, including homes for the aged.

Parking Space: An area sufficient for the parking of an automobile. No such parking space shall be located within the required distances from side and rear lot lines.

Personal Service Establishment: A facility providing personal services, such as a hair salon, barber shop, beauty shop/parlor, tanning salon, print shop, photography studio and the like.

Principal Activity: one of the following manufacturing, research and development, agriculture, distribution, storage, disposal, retail, transportation, housing or residence. (come back and review)

Restaurant; Diner: A building, or portion thereof, containing tables and/or booths for at least two-thirds (2/3) of its legal capacity, and which is designed, intended and used for the indoor sales and consumption of food prepared on the premises, except that food may be consumed outdoors in landscaped terraces, designed for dining purposes, which are adjacent to the main indoor restaurant facility.

Retail Stores and/or Services: A facility selling goods and not otherwise categorized in the Table of Use Regulations or prohibited by these Bylaws.

Riverfront Area: That area of land situated between a river's mean annual high-water line and a parallel line located two hundred feet away, measured outward horizontally from the river's mean annual high-water line.

Salvage center: Indoor and/or outdoor storage and resale of tangible property. For automobiles shall be expressly authorized in a Class III Auto License issued by the Board of Selectmen.

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Setback Line: A setback line is a line outside of and equidistant from the street line and establishes the nearest point to the street line at which the nearest point of a building, including outside vestibule, porch or bulkhead but not including steps, may be erected.

Shopping Center: Any combination of retail stores and/or services, personal service establishments, restaurants, business or professional offices, indoor commercial recreation facilities and motels or hotels in one (1) or more buildings located on a single lot, and which are developed and managed under a common plan for the premises.

Sign: Any words, lettering, parts of letters, emblems, devices, designs, figures, phrases, sentences, trade names or trade marks by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which are visible from a public street or right-of-way and used to attract attention.

Story: A story of a building is that part of the building above the basement or cellar and between the top of any tier of floor beams and the top of the tier of floor or roof beams next above. One-half (1/2) story means the space situated in the roof, and arranged or built either for storage or habitation.

Street: The word "street" shall include public ways established by or maintained under public authority, private ways open for public use, and private ways plotted or laid out for ultimate public use, whether or not constructed.

Street Line: A street line is a dividing line between a street and a lot.

Structure: Anything constructed or erected, which required location on the ground, or attached to something having location on the ground.

Stable, Private: A private stable is a building or a part thereof in which one (1) or more horses are kept for the private use of the owner or his family, and in which no horses are kept for sale, or hire, or any other business.

Stable, Public: A public stable is a building or part of a building in which horses are kept for compensation.

Trailer: A trailer is any residence, house car, camp car, or any portable or movable vehicle on wheels, skids, or rollers, not structurally anchored to a foundation, propelled by an attached vehicle or other propelling apparatus, which is used, or may be used for residential, commercial, hauling or storage purposes.

Trailer Camp: Any premises used or intended to use for parking two (2) or more trailers constitutes a trailer camp.

Warehousing, indoor: The indoor storage of raw materials or manufactured goods.

Warehousing, outdoor: The outdoor storage, including storage in silos and unenclosed structures, of raw materials or manufactured goods.

Yard, Front: An open space on the same lot with the building, between the extreme front line of the building and the street line across the entire front of lot, and unoccupied above ground level except by steps, projecting eaves, uncovered or covered entrance porches on the first floor which do not exceed a total area of fifty (50) square feet.

Yard, Rear: An open space extending across the full width of the lot and lying between the rear lot line of the lot and the nearest line of the building.

Yard, Side: A side yard is an open space on the same lot with buildings, between the building and the side line of the lot, extending the full width or depth of the building and unoccupied above the ground level except by uncovered steps and projecting eaves.

**Appendix A
Table of Use Regulations**

USE	DISTRICTS					
	R-A	R-B	R-C	A	B	I
<u>A. Residential Uses</u>						
Apartment house	Y	N	N	N	N	N
Conservation design development	N	N	N	SPPB	N	N
Open space development	SPPB	SPPB	N	N	N	N
Single-family dwelling	Y	Y	Y	Y	N	N
Townhouse development	SPPB	N	N	N	N	N
Two-family/duplex dwelling	Y	Y	N	N	N	N
<u>B. Exempt and Institutional Uses</u>						
Child care facility	Y	Y	Y	Y	Y	Y
Educational use, nonexempt	PRPB	PRPB	PRPB	PRPB	PRPB	PRPB
Essential services	Y	Y	Y	Y	Y	Y
Facility for the sale of produce, and wine and dairy products, provided that during the months of June, July, August and September of every year, or during the harvest season of the primary crop, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner of the land containing more than five acres in area on which the facility is located	Y	Y	Y	Y	Y	Y
Hospital or other medical institution	SPPB	SPPB	SPPB	N	PRPB	PRPB
Municipal facility	Y	Y	Y	Y	Y	Y
Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than five (5) acres in area	Y	Y	Y	Y	Y	Y
Use of land or structures for educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	PRPB	PRPB	PRPB	PRPB	PRPB	PRPB
Use of land or structures for religious purposes	PRPB	PRPB	PRPB	PRPB	PRPB	PRPB
<u>C. Agricultural Uses</u>						
Farm, truck garden, nursery or greenhouse with less than five (5) acres	Y	Y	Y	Y	Y	Y
Farm, truck garden, nursery, greenhouse or other agricultural or horticultural use	Y	Y	Y	Y	Y	Y
Nonexempt agricultural use (<i>I'm not quite sure what this means</i>)	?	?	?	?	?	?

<u>D. Commercial Uses (combine these with industrial)</u>							
Adult entertainment establishment	N	N	N	N	N	SPPB	Formatted Table
Airport or landing field, commercial	N	N	N	N	N	N	
Animal clinic or hospital; kennel	N	N	N	PRPB	PRPB	PRPB	Deleted: Y... [13]
Bank, financial agency— full service	N	N	N	SPPB	PRPB	PRPB	Deleted: N... [14]
Bank, financial agency – ATM	SPPB	SPPB	SPPB	SPPB	PRPB	PRPB	Deleted: Bed and breakfast establishment... [15]
Bed and breakfast establishment	Y	Y	Y	Y	N	N	
Billboards, including any sign of more than forty (40) square feet	N	N	N	N	N	N	Formatted Table
Boarding house	SPPB	N	N	N	N	N	Deleted: ZBA
Business or professional office, including medical	N	N	N	N	Y	Y	
Commercial recreation, indoor	N	N	N	SPPB	PRPB	PRPB	Deleted: N... [16]
Commercial recreation, outdoor	N	N	N	SPPB	SPPB	N	Deleted: Y... [17]
Funeral home	SPPB	SPPB	SPPB	SPPB	PRPB	N	Deleted: ZBA... [18]
Commercial garaging, storing, or maintaining more than three (3) motor vehicles.	N	N	N	SPPB	PRPB	PRPB	Deleted: Garaging and...automobiles of the passenger type [19]
Gasoline or oil filling station	N	N	N	N	PRPB	PRPB	Deleted: ZBA... [20]
Hotel or motel located on a tract of land at least two (2) acres in area and at least 150 feet from any permanent residential building	N	N	N	SPPB	PRPB	PRPB	Deleted: ZBA... [21]
Laundry or laundromat; dry cleaning establishment	N	N	N	N	SPPB	SPPB	Deleted: Y... [22]
Nursing or convalescent home; home for the aged	N	N	N	SPPB	PRPB	SPPB	Deleted: ZBA... [24]
Personal service establishment	N	N	N	N	PRPB	PRPB	Deleted: Y... [25]
Private club, nonprofit	N	N	N	SPPB	PRPB	SPPB	Deleted: ZBA... [26]
Private stable, nonprofit	SPPB	SPPB	SPPB	Y	SPPB	N	Deleted: ZBA... [27]
Racetrack	N	N	N	N	N	N	
Restaurant; diner	N	N	N	SPPB	PRPB	PRPB	Deleted: Y... [28]
Retail stores and/or services	N	N	N	SPPB	PRPB	PRPB	Deleted: N... [29]
Shopping center	N	N	N	SPPB	PRPB	PRPB	Deleted: N... [30]
Salvage Center	N	N	N	SPPB	SPPB	SPPB	
<u>E. Industrial Uses</u>							
Assembly	N	N	N	N	SPPB	PRPB	Deleted: Blacksmith shop
Blacksmith shop	N	N	N	SPPB	N	PRPB	Formatted Table
Contractor's yard	N	N	N	N	SPPB	PRPB	Deleted: N... [31]
Earth removal	N	N	N	BOS	BOS	BOS	Deleted: Contractor's yard... [32]
Electrical generating facility; cogeneration facility	N	N	N	N	N	SPPB	Deleted: Earth removal... [33]
General Industrial	N	N	N	N	N	SPPB	Deleted: Electrical generating facility; cogeneration facility... [34]

Junkyard or automobile graveyard	N	N	N	N	N	N	Formatted Table
Lumber, fuel or ice establishment	N	N	N	N	SPPB	PRPB	Deleted: ZBA
Light Manufacturing	N	N	N	N	SPPB	PRPB	Deleted: ZBA
Manufacture, storage, transportation or disposal of hazardous material	N	N	N	SPPB	SPPB	SPPB	Formatted Table
Stone mason yard	N	N	N	N	N	PRPB	Deleted: N
Trucking and transportation	N	N	N	N	N	PRPB	Deleted: N
Warehousing, indoor	N	N	N	SPPB	SPPB	PRPB	Deleted: N
Warehousing, outdoor	N	N	N	N	N	SPPB	Deleted: ZBA
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F. Other Uses							
Airport or landing field, noncommercial	N	N	N	PRPB	N	SPPB	Formatted Table
Cemetery or crematory, nonprofit	SPPB	SPPB	SPPB	SPPB	SPPB	PRPB	Deleted: Y
Penitentiary	N	N	N	N	N	N	Deleted: N
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F. Accessory Uses							
Home occupation	Y	Y	Y	Y	N	N	Deleted: ZBA
Juice Bar, as an accessory use to a private club, restaurant or country club	N	N	N	Y	N	N	Deleted: N
Retail trade or shop for manufacturing articles incidental to and as an accessory use to a retail business	N	N	N	N	Y	Y	Deleted: N
Private aircraft or landing facilities	Y	Y	Y	Y	Y	Y	Formatted Table
							Deleted: ZBA

Key: Y = Permitted by right, N = Not permitted, PRPB = Use permitted subject to approval of site plan by Planning Board
 SPZBA = Permitted by special permit from the Board of Appeals, SPPB = Permitted by special permit from the Planning Board,
 BOS = Use permitted with permit from the Board of Selectmen.

Deleted: BI = Permitted following approval by
 Deleted: Building Inspector

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Appendix B
Table of Dimensional Requirements

District	Minimum lot size (sq. ft.)	Setbacks, principal use (ft.)				Setbacks, detached garage or accessory use (ft.)				Frontage (ft.)		Height	
		Front ¹	Side	Rear	Front ²	Side	Rear	Interior Lot	Corner Lot	Maximum height (ft.)	Maximum number of stories		
R-A	20000 ³	30	25	30	65	5	5	125	140	35	2.5		
R-B	43,560	30	25	30	65	5	5	185	200	35	2.5		
R-C	43,560	40	30	Lesser of 40 ft. or 25% of lot depth, if at least 30 ft.	75	10	10	200	200	35	2.5		
A	87,120	40	30	Lesser of 40 ft. or 25% of lot depth, if at least 30 ft.	75	10	10	300	300 ⁴	35	2.5		
B	15,000	30	25	30	65	5	5	125	140	45	3		
I	30,000	30	30	20	30	30	20	175	200	45	3		

¹ In the case of a corner lot, the front setback requirement applies on both streets.

² See Footnote 1.

³ Plus 8,000 square feet per additional dwelling unit over one (1), up to four (4) dwelling units per lot.

⁴ Said 300 feet of frontage is required on both streets of a corner lot in the Agricultural zoning district.

§ 400-31 Growth Management

A. Purposes

The purposes of the Growth Management By-Law (the "By-Law") are: (1) to preserve and promote the public health, safety, welfare, education and community character of the Town of Uxbridge (the "Town") by maintaining the growth of the Town at a manageable rate; and (2) to ensure adequate time exists for the Town to expand its resources to provide those services necessary to meet the educational, infrastructure and public safety needs of the residents. The Town's growth rate should not exceed its ability to provide adequate schools, roads, police and fire protection, and other municipal services necessary and appropriate to safeguard the health, welfare and safety of current and future residents.

B. Definitions

Applicant - Individuals or partnerships, corporations, trusts and other legal entities, in which the applicant of record holds a legal or beneficial ownership of greater than one percent (1%).

Dwelling - A building, or any part thereof, containing accommodations for permanent human occupancy including one and two family houses, condominiums, apartments, and boarding or lodging houses, but not including transient accommodations such as in hotels or motels.

Dwelling Unit - One or more rooms providing complete living facilities for one family, including equipment for cooking or provisions for the same, and including room or rooms for living, sleeping and eating.

Development - Lots which were at any time after the date of adoption of this growth management bylaw, part of contiguous property under common ownership (or in different ownerships each involving one or more of the same principals).

C. Applicability

The By-law shall apply to all applications for residential building permits for construction of new residential dwelling units submitted after the effective date of this By-law, except as expressly exempted in Section 400-31(F). The By-law shall apply to all residential dwelling units whether they be single-family dwelling units or units in multi-family dwellings. The By-law shall be effective through June 30, 2009. The By-law may be extended for up to five years, to achieve its purposes without lapse of its provisions, conditions and limitations by majority vote of a Town Meeting prior to June 30, 2009.

D. New Building Permit Limitations

1. There shall be a limit on the issuance of building permits town-wide so as to limit the construction of or conversion to residential dwelling units to 60 units per twelve month period of the aforementioned 60 permits shall be

made available, at the rate of no more than 2 permits per month. Any building permits that have not been issued by the end of the year shall expire.

2. Building permits issued for dwelling units on lots which are exempted from operation of this Growth Management Bylaw by G.L.c.40A, § 6 will not be counted toward the 60 permit limit.
3. Building permits shall not be issued authorizing construction of or conversion to more than five (5) residential dwelling units (exclusive of permits withdrawn or expired without use) in one Development or to any Applicant (or set of Applicants involving one or more of the same principals) in any twelve-month period unless the Planning Board has granted a special permit for rapid development. It is recognized that under state law, certain subdivisions and lots will be grandfathered and will, therefore, not be subject to the 5 permit limit established by this Section.
4. Special permits for rapid development shall be granted only upon a determination by the Planning Board that such development also would serve a significant housing need, would be unfeasible if limited to five (5) residential dwelling units over twelve months, and would not overburden public services.

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E. Procedures

The application procedures for obtaining such building permits referred to herein shall be as follows:

1. The Building Department ("Department") will accept applications for building permits on a first come, first served basis during normal business hours. The Applicant may not submit more building permit applications during any period than for that number of residential dwelling units to which the Applicant is entitled during such period in accordance with this By-law.
2. The Department shall not accept building permit applications for a greater number of residential dwellings units than may be permitted during any month in accordance with this By-Law.
3. Building permit application packages that are deemed by the Building Inspector to be incomplete or are rejected for any reason will be returned to the Applicant. The Applicant may then file a new application for a building permit. If a building permit application is accepted by the Department, a building permit may be issued at any time within thirty (30) days of such submission.

F. Exemptions

The following building permits are specifically exempt from this By-law and shall not count toward the Building Permit Limitations set forth in Section 400-31(D):

1. Restoration, expansion, alteration, or reconstruction of a dwelling built as of the effective date of this By-law, in law apartments, provided that no additional residential unit is created.
2. Any dwelling unit to be built under any program or statute intended to assist in the construction of housing for low or moderate-income households that count for the purposes of G.L.c40B.
3. Structures for non-residential purposes.
4. Not more than twenty (20) dwelling units per year in a Conservation Design Development being developed pursuant to a special permit on land that was shown on a preliminary or definitive subdivision plan filed before May 11, 2004, provided further that if an owner of land shown on a preliminary or definitive subdivision plan filed before May 11, 2004 applies for a Conservation Design Development special permit, which is not granted the provision of this Section shall not apply to the land shown on said preliminary or definitive plan until this Section would otherwise have become applicable. Or the purpose of preliminary plans filed before May 11, 2004, the exemption provided by this section shall apply despite the fact that a definitive plan was not filed within 9 months of the preliminary plan, provided the definitive plan is filed within ninety (90) days of the date on which the special permit is denied.

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shall be as follows:

1. Five (5) separate plans prepared at a scale of one (1) inch equals twenty (20) feet or such other scale as may be approved by the SPGA. The plans are as follows:
 - a. site layout, which shall contain the boundaries of the lot(s) in the proposed development, proposed structures, drives, parking, fences, walls, walks, outdoor lighting, loading facilities and areas for snow storage after plowing, with the first sheet in the plan being a locus plan, at a scale of one (1) inch equals one hundred (100) feet, showing the entire project and its relation to existing areas, buildings and roads for a distance of one thousand (1,000) feet from the project boundaries or such other distance as may be approved or required by the Board;

- b. topography and drainage plan, which shall contain the existing and proposed final topography at two-foot intervals and plans for handling stormwater drainage;
- c. utility and landscaping plan, which shall include all facilities for refuse and sewerage disposal or storage of all wastes, the location of all hydrants, fire alarm and firefighting facilities on and adjacent to the site, all proposed recreational facilities and open space areas and all wetlands including floodplain areas;
- d. architectural plan, which shall include the ground floor plan and architectural elevations of all proposed buildings and a color rendering;
- e. landscaping plan, showing the limits of work, existing tree lines and all proposed landscape features and improvements including screening, planting areas with size and type of stock for each shrub or tree and proposed erosion control measures;

2. The site plan shall be accompanied by a written statement indicating the estimated time required to complete the proposed project and any and all phases thereof. There shall be submitted a written estimate, showing in detail the costs of all site improvements planned.

3. A written summary of the contemplated project(s) shall be submitted with the site plan indicating, where appropriate, the number of dwelling units to be built and the acreage in residential use, the evidence of compliance with parking and off-street loading

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 , the form(s) of ownership contemplated for the property and a summary of the provisions of any ownership or maintenance thereof, identification of all land that will become common or public land and any other evidence necessary to indicate compliance with these Bylaws.

4. The site plan shall be accompanied by drainage calculations by a registered professional engineer. Storm drainage design must conform to Town's subdivision regulations.

5. The SPGA may require narrative assessments of the on-site and off-site impacts of the proposed project, including traffic, drainage, noise and other environmental factors. The SPGA may require that such narrative assessments be prepared by qualified experts.

6. Certification that the proposal is fully compliant with the provisions, if applicable, of the Americans with Disabilities Act and the Massachusetts Architectural Barriers Board

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