



Town of Uxbridge

Zoning Diagnostic

Central Massachusetts Regional Planning Commission
February 2018



Introduction

A Zoning Bylaw is used by a wide range of people, including but not limited to town officials, board and committee members, homeowner applicants, and developers (and their representatives). The ability for people to find the zoning bylaw is essential.

The ability to understand and utilize a zoning bylaw is more nuanced. However, this can be made easier when the it is organized in a logical order and format. It is also important to note that people (town officials, board members, and applicants) must read, interpret, and “apply” the Zoning Bylaw based on past practice, state law, and based on specific proposals. Finally, the need to update and advance the Zoning Bylaw overtime can be challenging, but is critical to support neighborhoods, provide economic growth, and to make the town more business friendly.

While a Zoning Bylaw is not typically read like a novel, the readability of a zoning bylaw is important to ensure that potential applicants, board and committee members, and town officials can be sure that all the regulations are applied consistently and accurately. A Zoning Bylaw should anticipate and clearly articulate requirements for a wide range of normal uses and those that require more scrutiny. A well - crafted Zoning Bylaw can reduce the need to “interpret” regulations, which can often lead to confusion, when it includes accurate definitions, clear requirements, and is applied consistently. Finally, a Zoning Bylaw should evolve and change to meet and support broader goals of a community overtime.

General Purpose

The purpose of this Zoning Diagnostic is to assess the readability and general content of the Uxbridge Zoning Bylaw and to make recommendations for future changes. Generally, changes can be placed into three categories:

1. Short-term - Amendments that can allow the document to be clearer, easier to understand and more likely to be followed and effective. These types of changes are largely the focus of this document.
2. Mid-term - Amendments that incorporate common, or generally accepted best practices, and that could be examined, prepared, and submitted to Town Meeting over the next 1-2 years. These types of changes are outlined in this document, however, require additional research and review by the town Planning Board or others.
3. Long-term - Amendments that may be desired or needed to encourage new building, new businesses, or to guide, encourage or restrict new development types. These types of changes are noted herein, however, are not a significant part of this review. These broader policy questions are typically considered as part of a long-term planning project such “re-zoning” an entire area, or as the result of a community Master Plan process. Both examples are typically based community input, public outreach, and a review of existing conditions, needs, and desires.

Consultation with Town officials

An initial meeting occurred on February 15, 2017 with the following Town officials:

- Uxbridge Town Administrator, David Genereux,

- Uxbridge Assistant to the Town Manager, Tracey Ante,
- Uxbridge Board of Selectman member, Jennifer Modica
- Millville Town Administrator, Jennifer Callahan
- Millville Town Planner, Hillary Carney

This meeting discussed the Community Compact grant and a range of desirable activities including a Zoning Diagnostic for both Uxbridge and Millville.

During the summer of 2017, several attempts were made to meet with Town officials regarding the project. However, during the time of this study, the Town Manager and Town Manager Assistant both left the Town of Uxbridge. On October 30, 2017, CMRPC met with the following Uxbridge Town officials:

- Assistant to the Town Manager, Ellen Welch
- Building Inspector/ZEO, Larry Lench
- Building Department Administrative Assistant, June Bangma
- Board of Selectmen member, Justin Piccirillo
- Land Use Administrative Assistant, Lynn Marchand

The meeting was an opportunity for CMRPC to learn and understand how the Zoning Bylaw is used by town officials and to identify any existing known deficiencies or conflicts.

General Assessment and Overview

Accessibility - The Zoning Bylaw and Zoning Map are located in different areas of the website, but both are easy to find. In addition, both the Planning Board. As of December 2018, the most recent version of the Zoning Bylaw posted on line was as approved by the Attorney General in October 2016. This appears incorporate all changes adopted by Town Meeting to-date (see recommendation).

Forms and documents – The Town website provides good access to key information for the Building Department, Planning Board, and Zoning Board of Appeals. This information includes relevant forms, fees, bylaws, meeting schedules, permitting guide (see recommendation), and, both the Planning Board and Zoning Board of Appeals post and maintain “decisions”. Overall, online accessibility of this important information associated with the application of the Zoning Bylaw is very good.

The information generally available online on both the ZBA and Planning Board’s webpages includes, but is not limited to:

- Zoning Bylaw and map
- Meeting schedules
- Application packets
- Fee schedules
- Permit flow charts (Special Permits, Zoning Enforcement, Variances, Checklists)
- Past decisions ([Planning Board](#), [Zoning Board of Appeals](#))
- Reference materials

Contents- The existing zoning bylaw contains many typical features of a Massachusetts zoning bylaw. However, after removing the items considered “special” or those which consist of overlay districts, the bylaw does not contain certain key features that may be necessary over the long-term to regulate some

of the more common types of land uses. One example of this is that the Zoning Bylaw does not currently contain any provisions under the “General Regulations” section. In many zoning bylaws, this section is used to identify general parking requirements, general sign requirements, general lighting requirements or other aspects of land use regulation that may be applied to all types of projects, or certain specified types of projects.

The following is a list of the existing sections of the Zoning Bylaw:

Article I – Purpose and Authority
Article II – Establishment of Districts
Article III – Use Regulations
Article IV – Dimensional and Bulk Requirements
Article V – General Regulations
Article VI – Special Nonresidential Regulations
Article VII – Special Residential Regulations
Article VIII – Overlay District Regulations
Article IX – Administration and Procedures
Article X- Definitions

2008 Recodification – The Uxbridge Zoning Bylaw was re-codified in 2008. No information regarding the re-codification process was available from the Town related to this study. Based on the limited review of available information, the re-codification was approved by Town Meeting in 2008. The process leading to the Town Meeting vote was led by a consultant and ultimately extended for a period of at least three years, from 2005 to 2008. In April 2008, the Zoning Board of Appeals held an informational session to present the re-codification warrant article to the Finance Committee. The text of the warrant article was as follows:

Spring Annual Town Meeting May 14, 2008 (continued from May 13, 2008) - ARTICLE 24: RENUMBERING/REVISION OF TOWN ZONING BYLAWS - CODIFICATION

The Town of Uxbridge needs to continue to modernize its body of law, making it more readily and easily available, understandable, and up-to-date for the citizens, employees and officials of the Town of Uxbridge. To do so, in September 2005, the Board of Selectmen appointed citizens to the Bylaw Review Committee, which prepared renumbered/revised General Bylaws in an easy-to-read, up-to-date document that will be a valuable tool for decades to come. In addition to organizing and reformatting, the bylaws have been updated to bring them into conformance with the Charter and Massachusetts General Laws. The re-codified General Bylaws were adopted by Town Meeting last fall. At that time, the Board of Selectmen and Bylaw Review Committee indicated that a renumbered/revised Zoning Bylaw would be submitted to Town Meeting for consideration in 2008. The proposed Zoning Bylaws reflected in the “Final Draft Zoning Bylaw Recodification” reconciles our zoning requirements with changes that have been made to the Massachusetts General Laws and their interpretation during the 51 years since the main body of the bylaws were adopted. Therefore, the outdated and incorrect references have been eliminated, and replaced. Although the expectation is that future “value-based” amendments will be suggested periodically over the next several Town Meetings, the present effort was to minimize any substantive amendments. However, there were some internal inconsistencies and conflicts, and provisions of state law, which required amendments that are proposed in the Final Draft Zoning Bylaw Re-codification. They are identified and described therein.

Due to the lack of easily accessible information, minimal research was devoted to researching and documenting the former effort so as to ensure that findings could be more focused on desirable future changes.

Town Staff – The Town of Uxbridge maintains a full time Administrative Assistant to the Planning Board, and part-time Administrative Assistant to the Zoning Board of Appeals. In addition, the Building Inspector is full-time and is active in the administration of the Zoning Bylaw. The Building Inspector serves as the Zoning Enforcement Officer (which is common in Massachusetts based on state law) meaning that initial determinations of use, permitting, interpretation, and, application of the Zoning Bylaw are done by the Building Inspector (see recommendation). During the course of this study, the Town of Uxbridge secured funding from Town Meeting and advertised for a full-time “Economic Development Coordinator and Planner” position.

Generally, the Planning Board and Zoning Board of Appeals are the primary Boards responsible for administering the Zoning Bylaw and deciding on applications and the issuance of Special Permits. Based on the meetings with town staff, the communication level between the Land Use Administrative Assistant, the Planning Board, Zoning Board of Appeals, and Building Inspector is good. Specifically, the Building Inspector attends all Zoning Board of Appeals hearing and the Planning Board Administrative Assistant and Building Inspector meet with applicants prior to submission and communicate throughout the permitting process. The potential for the town to hire a full-time planner would likely continue, and enhance, the ability for planning related activities to occur more efficiently and on a larger scale (see recommendation).

Zoning Diagnostic

In many cases, even in a town with a town planner or other administrative staff, the priority shifts depending on the level of permits occurring in a single year. Because of the amount of time and effort necessary to research, propose, adopt and implement zoning bylaw amendments is so great, even simple amendments are often not implemented.

Based on the meeting with town officials, an overarching consensus was that the Zoning Bylaw works, but could likely be improved. Some of the primary questions for the town to consider are going to be related to the necessity of making certain amendments; what is the priority?

In a broad sense, the town may wish to consider the following recommendations based on “need” and “desirability”. Funding should be considered as necessary to assist in further review of the recommendations identified herein.

The following is a list (followed by discussion) for each of the key recommendations identified in this diagnostic:

1. Creation of Site Plan Review regulations
2. Creation of a comprehensive Solar Bylaw
3. Creation of General Provisions:
 - a. Sign regulations
 - b. Parking regulations
4. Review of definitions
5. Downtown area considerations

6. Mill Overlay District considerations
7. Accessory Uses:
 - a. Home Occupation
 - b. Supplemental Apartments
 - c. Bed and Breakfasts

Creation of Site Plan Review Regulations

Recommendations:

1. Create a Site Plan Approval provision in the Zoning Bylaw
2. Transfer more “normal and expected” uses to SPR by the Planning Board. The benefits include:
 - i. Predictability
 - ii. Economic Development
 - iii. Review and input on various elements of project design
3. Minor SPR for changes in use

Findings:

The current zoning bylaw contains a Major Nonresidential Special Permit which requires a Special Permit from the Planning Board for larger projects. The size and type of projects regulated are briefly noted herein but generally include: (LIST).

However, other projects that could have significant impacts, change the character of an area, or otherwise warrant review by the Planning Board are not currently regulated. Based on the thresholds in the Major Nonresidential Projects sections, the following are a few examples of the types of projects that could occur with no land use approval in Uxbridge:

- Single story commercial/retail or office building with a 19,000 square feet footprint
- Two story building with a 9,500 square foot footprint
- Project with 49 parking spaces or less

Generally, in other communities in central Massachusetts these types and sized projects are subject to land use permitting. The Town of Uxbridge has an opportunity to regulate these less intensive uses by Site Plan Approval to ensure that new projects incorporate certain improvements, such as landscaping, lighting, parking, vehicular entrances, pedestrian access, building location, etc. Often, these types of site improvements can have either quick and dramatic effects on an area, or, can substantially alter or change the character of an area over time. Site Plan Approval maintains predictability for developers but provides the town with consistent oversight of and input on a wide range of projects.

Discussion:

Site plan review establishes criteria for the layout, scale, appearance, safety, and environmental impacts of commercial, industrial, and in some cases, residential developments. It usually focuses on parking, traffic, drainage, roadway construction, signage, utilities, screening, lighting, and other aspects of a project to arrive at the best possible design for a location. In most cases, it must be received prior to a building permit being issued. (Bobrowski, Second Edition, Section 9.07).

Finally, to encourage and allow projects that are truly minor in nature, or will have minimal impact, a “minor” project waiver provision could be created. Some common uses allowed without approval are

changes in use with no exterior changes to the exterior of a building other than signs, especially in the downtown area.

Creation of a Comprehensive Solar Bylaw

Recommendations:

Create a comprehensive solar bylaw should be created incorporating newer best practices.

Findings:

The Zoning Bylaw defines a solar facility and establishes that a Special Permit from the Planning Board is required. However, the Zoning Bylaw does not contain any provisions, standards, or requirements specifically for solar projects. Many communities have established a “solar bylaw” whereby specific provisions and requirements for solar projects are established. Without these specific and tailored provisions, the Planning Board must only rely on the standard findings required for any Special Permit.

The current configuration of the Zoning Bylaw could be clarified through the creation of clear definitions and thresholds for solar projects. Many municipalities have created a use category for smaller solar projects generally associated with single family dwellings and a larger category for larger scale facilities. The Uxbridge Zoning Bylaw provides only a use category for “ground mounted facilities” in the use chart regulated by a Special Permit by the Planning Board.

Discussion:

Over the past 10 years, many communities have adopted variations of the state’s model Solar Bylaw. It has served these communities well to have specific criteria in place to regulate these common uses. These “performance criteria” provide specific guidance for solar projects. Without them, the Board must rely standard provisions associated with Special Permits. Overtime, the types of proposals have changed and many towns have embarked on updated their solar bylaws to better preserve farmland or forestlands, directing solar projects to landfills, or other commercial areas.

Through the State’s Executive Office of Environmental Affairs (EOEA) a range of information is available for communities to begin the process of creating a solar bylaw. One method identified in the EOEA Policy Guidance for Regulating Solar Energy Systems (March 2014) recommends an audit of existing zoning and determine whether the bylaw contains suitable definitions, list of allowable uses, provisions for site plan review or special permit findings, and dimensional requirements.

The model bylaws provided by the state attempt to present effective local legislation that will offer attractive smart growth incentives to residents and the development community. As with all model bylaws, these are not meant to be adopted "as is". Commentary provided in each model will highlight the questions that local decision makers should ask when tailoring these models to their individual community's needs. In all cases, a comprehensive approach should identify potential conflicts with other existing bylaws or local rules and regulations. Town Counsel should be consulted before presenting any bylaw to Town Meeting or City/Town Council vote.

Creation of General Provisions, Sign Regulations

Recommendations:

Create a comprehensive sign bylaw that can set specific height, size, and other design standards for each of the town's business, commercial, and industrial districts.

Finding:

The Uxbridge Zoning Bylaw does not contain any general regulations pertaining to signs. While the zoning bylaw does provide a definition, there are not any associated size, design, location, or other requirements for signs that would be applicable to all projects.

Discussion:

It is noted that in several of the Special Districts signs are referenced, but in different ways. For example, in the Major Nonresidential ... the existing zoning bylaw provides minimal guidance to a project developer or the Planning Board on the type, size, and location for signs. It requires that a site plan show "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**". In the Mill Adaptive Reuse Overlay District the site plan must show "**the location, height, size, materials and design of all proposed signage**" but does not provide any requirements, limitations, or evaluation criteria.

In many zoning bylaws, signs regulations are established within a specific section of the Zoning Bylaw. In some cases, the size, type, height, and other characteristics are tailored depending on the zoning district in which they may be installed. It is acknowledged that while the creation of a sign bylaw can be challenging and time consuming, the establishment of clear and predictable sign regulations can benefit project developers and help to enhance and retain the character of certain areas in towns.

While some authority exists to consider the type, size, and design of signs in the Special Regulations, a significant number of signs across zoning districts may not be subject to any specific standards. This is especially the case for the projects that fall outside of the Major Nonresidential Use (NAME) and which are not regulated by any other land use process.

Finally, many communities across Massachusetts are in the early stages of reviewing and updating existing sign bylaws to ensure they are compliant with a 2015 United States Supreme Court decision in Arizona known as *Reed v. Town of Gilbert*, colloquially referred to as the "Reed case".

Creation of General Provisions, Parking Regulations

Recommendations:

Create a specific parking bylaw containing provisions incorporating standard requirements and best practices applicable to a wider range of uses.

Findings:

The Uxbridge Zoning Bylaw does not contain general regulations pertaining to parking requirements or standards. Most Zoning Bylaws contain a set of requirements for the number, size, and general arrangement of parking associated with a wide range of uses. While the Major Residential and Major Nonresidential projects are subject to certain parking provisions, many other smaller projects do not

appear to be subject to any specific parking requirements, including but not limited to placement, landscaping, lighting, and increasingly including Low Impact Design standards and stormwater considerations. The existing Mill Overlay Districts include some parking provisions, including shared or reduced parking options.

Discussion:

A wide range of parking strategies are available and depend on the location, needs, and desires of a particular area. Consideration of innovative parking requirements will be most important in the downtown business district where land is scarce and will be necessary to encourage changes in use and creation of a more vibrant and walkable area.

A primary resource for parking strategies is the Commonwealth's Smart Growth/Smart Energy Smart Parking program and include, but are not limited to the following:

- Tailored Parking Requirements – Rather than broadly imposing inflexible standards, zoning can incorporate local variables such as location, demographics, fees-in-lieu, transportation demand management.
- Parking Management Districts – The two components that drive parking district supply are management strategies and pricing which can work together to boost economic development.
- Shared Parking – The concept is to utilize parking facilities jointly among different buildings or businesses to take advantage of different peaking parking characteristics.

Update Definitions

Recommendations:

Review, evaluate, and consider the complete update of definitions to include common, anticipated, desired, and controversial uses.

Findings:

As is common in many municipalities in the state, definitions in the zoning bylaw are largely outdated and are typically only amended on a case by case basis associated with new zoning amendments. The result is an often incomplete and incoherent set of definitions that do not reflect current or changing uses making establishing a new business confusing for developers and town officials to determine appropriate use categories and/or required permitting.

Discussion:

The need for comprehensive set of definitions is not often a high priority. However, as the town evolves the need for these classifications will grow. The more clear, concise, accurate, and numerous the definitions will allow the town to better tailor where and under which permitting requirements certain uses will be allowed. The following list is intended to illustrate the range of definitions available amongst communities in the area associated with food and drink establishments.

Uxbridge

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.

Juice Bar: A place of business for the retail or wholesale of beverages derived wholly or in part from cereals or substitutes therefore 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.

Grafton

Brew Pub: Restaurants, licensed under the relevant state and federal statutes, to produce and sell beer and/or ale at the location and whose primary business is the sale and preparation of food to be consumed on the premises. Malt beverages including beer, ales and hard ciders produced on the premises may be sold to other establishments but shall not to exceed 25 percent of the establishment's production capacity. (T.M. 5/9/16)

Brewery: A facility, licensed under the relevant state and federal statutes, for the large scale production and packaging of malt, wine, or hard cider beverages for distribution retail or wholesale, which may include a tap room where beverages produced on the premises may be sold and consumed. (T.M. 5/9/16)

Microbrewery: A facility, licensed under the relevant state and federal statutes, for the production and packaging of malt, wine, or hard cider beverages for distribution retail or wholesale, on or off the premise, with a capacity of not more than fifteen thousand (15,000) barrels, (a barrel being equivalent to thirty one (31) gallons per year) and which may include a tap room where beverages produced on the premises may be sold and consumed. May include other uses such as a restaurant, including outdoor dining if otherwise permitted in the zoning district. (T.M. 5/9/16)

Restaurant: An establishment for the sale of prepared food, more than half the dollar sales of which are for consumption on the premises and within a building.

Shrewsbury

Drive-in Establishment: The term "drive-in" includes drive-in eating establishments where food is purchased from a building on the lot but is consumed in the vehicle or off the lot; and drive-in service establishments such as banks or the like.

Upton

Restaurant: A building, or portion thereof, containing tables and/or booths for at least two-thirds (2/3) of its legal capacity, 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 adjuncts to the main indoor restaurant facility.

Oxford

Restaurant, Drive-In: An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state to the customer while in a motor vehicle.

Restaurant, Fast-Food: An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state to the customer for consumption either within the building or for carry-out with consumption off the premises. Food items are usually served in paper, plastic or other disposable containers.

Restaurant, Standard: An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state to the customer and whose principal method of operation includes one or both of the following characteristics: (1) customers, normally provided with an individual menu, are served by a restaurant employee at the same table or counter at which the food is consumed; (2) a cafeteria type operation where food and beverages generally are consumed within the restaurant building.

Downtown Area Considerations

Recommendations:

Consider the creation of a downtown vision, goals, and strategies to inform the creation of a downtown overlay district.

Findings:

The downtown area of Uxbridge contains many desirable features, uses, and building designs that create great potential for a vibrant and economically diverse business district. If a comprehensive vision and set of goals can be established, it will allow for the continued and enhanced revitalization and expansion of the economic development and sense of place in the town center.

Discussion:

The creation of tailored zoning to allow changes of use within existing buildings along with clear opportunities for shared parking could enable the town center to grow and become more vibrant. In addition, design standards and consideration of dimensional requirements for new buildings can help preserve the historic and desirable development patterns in the town center area. Such a visioning process should be a long-term goal and could occur together with a master plan process or as part of its own community outreach and planning process.

A primary example of opportunities to enhance the downtown area are found within the Smart Growth/toolkit Transit Oriented Development program. Some of the strategies identified in the Smart Growth Toolkit include, but are not limited to:

- Attractive village and town centers, vibrant urban neighborhoods, historic mill buildings, and fields, forests, and streams characterize many parts of Massachusetts. Revitalizing and protecting these areas is a key smart growth strategy. The character and high quality of life found in towns and cities is a competitive advantage that differentiates us from many other areas of our country. Our vibrant neighborhoods, historic buildings, and scenic open spaces and natural features are attractive to new businesses and their employees.

- A major threat to these resources is sprawl, defined as low-density, single-use (only residential or commercial with no mix of uses), and auto-dependent development. Antiquated local zoning, state and federal subsidies, and lack of coordinated planning have historically made sprawl the often required path of least resistance.
- The following elements are commonly found in TND:
 - Parks, schools, civic buildings, and commercial establishments located within walking distance of homes
- Residences with narrow front setbacks, front porches, and detached rear garages or alley-loaded parking
- Network of streets and paths suitable for pedestrians, bicyclists, and vehicles
- Narrower streets with crosswalks, streetscaping, and other traffic-calming measures
- In-scale development that fits the local context
- Buildings oriented to the street with parking behind

Mill Overlay District Considerations

Recommendations:

Consider creation of a Chapter 40R overlay district to encourage and/or allow the creation of a housing or mixed-use development.

Finding:

Particularly in the Bernat Mill Adaptive Reuse Overlay District, the town may wish to consider creation of an alternative overlay district to encourage development of these parcels. While the property does contain one smaller mill building, the majority of the site has been cleared and no longer contains any recognizable mill components. The overall intent “to allow for the adaptive reuse of underutilized historic mills” on this site may no longer match the need.

Discussion:

Additional site evaluations and calculations are necessary to determine whether a greater density of housing would be allowed and could be supported on the site. Under the current BMAROD provisions the maximum number of dwelling units allowed would be 100 units (Section 400-39 (4)(G)(1))

A primary opportunity for the town to consider is the establishment of a Smart Growth Zoning Overlay District. Created in 2004 by the Commonwealth, Chapter 40R encourages communities to create dense residential or mixed-use smart growth zoning districts, including a high percentage of affordable housing units, to be located near transit stations, in areas of concentrated development such as existing city and town centers, and in other highly suitable locations.

Accessory Uses

Home Occupation

Recommendation:

Continue to pursue the creation of a comprehensive home occupation bylaw that seeks to increase the opportunities for resident business owners while also providing performance standards intended to protect abutters.

Finding:

The Uxbridge Zoning Bylaw definition is both narrow (in that no exterior activities are allowed) and broad (in that the types of uses allowed are expansive). The regulation of home occupations is typically a sensitive proposal at Town Meeting due to the potential for residents to perceive it as limiting their ability to conduct a home occupation.

Discussion:

Generally, the balance should be to allow a wide range of uses but only when clear standards can be met to protect abutters. An amendment to the home occupation section was attempted in May 2016. We did not explore the potential reasons for why the change was not adopted. However, continuing to pursue a change similar to the 2016 proposal should occur. It is not uncommon for a lack of education and outreach prior to Town Meeting to cause confusion and lead these types of amendments to fail to achieve 2/3 vote.

Supplemental Apartment

Recommendation:

The Town should, as a long-term goal, research and consider the range of options available with respect to zoning associated with creating these small secondary units within, attached to, or detached from single family homes.

Finding:

The Uxbridge Zoning Bylaw contains no provisions associated with supplemental apartments. While this is not uncommon in many towns in Massachusetts, it represents a land use that should be the subject of a future community discussion or policy.

Discussion:

The increased need, support for, and commonality of these small second units has been considered by many towns. With specific design requirements and other criteria, these relatively benign uses can be compatible in most if not all residential neighborhoods.

Bed and Breakfast

Recommendation:

The Town should consider adding the use to the Table of Uses under Accessory Uses along with similar uses of single family homes, e.g. home occupation.

Finding:

The Uxbridge Zoning Bylaw contains a definition for a bed and breakfast. However, the use is not listed in the Table of Uses. It is unclear whether the use would actually be allowed in light of the notation in Section 400-10 which states that “no building or structure shall be constructed, reconstructed, altered, or used or occupied, nor shall land be used or occupied except for the purposes permitted as set forth in the accompanying Table of Uses Regulations, shown in Appendix A”.

Discussion:

Based on the existing definition, the Town should consider whether the use of a bed and breakfast might be desirable in Town, and where. If the use is potentially desired, the Town should consider a zoning amendment with an appropriate level of education and outreach.

Other Formatting and Administrative

Recommendations:

The Town should consider the following to ensure ease of use, readability, and legal strength plus other purposes:

1. Developing a more detailed Table of Contents and add an Index; consider cross-referencing
2. Address how the Life Science and Life Science Technology provision is to be implemented
3. Consider revisions to Open Space Development and Townhouse Development provisions to make more useable
4. Be proactive related to recreational marijuana regulation
5. Make Article I, Purpose and Authority and Article IX, Administration and Procedures, more robust and include additional clarifying procedures
6. Consider conducting a Master Plan update.
7. Add a purpose for each zoning district

Findings:

The table of contents would benefit from additional subheadings to simplify finding specific provisions and the addition of an index would further this. The uncoded Life Science and Life Science Technology provision should be codified if the Town intends to utilize it or consider removing it. The Open Space Development and Townhouse Development provisions could be significantly enhanced as models for these types of development regulations have been greatly improved through use trial and error over the past decade or more. While the Town defeated a proposed moratorium on recreational marijuana, the Town should still consider specific zoning and other provisions that delimit locations and other guidelines. Articles I and IX could both be enhanced with provisions that other bylaws have to make the bylaw more legally defensible. Consider conducting a Master Plan update to establish a clear vision and development-related goals for the town. Adding a purpose for each zoning district provides additional guidance for applicants and Board members plus ties it to the vision and goals of the Master Plan.

Conclusion

This report serves as a basic zoning diagnostic summary where the bylaw has been reviewed and a number of different findings made related to specific provisions or sections. We also provide a recommendation for action related to each provision.

The table below provides a listing of recommended actions and suggests a schedule for carrying them out and potential funding sources.

| Priority | Funding (\$) |
|---|--|
| A = Short-term (next Town Meeting cycle) | 01 = General Fund / Planning Board |
| B = Medium-term (1-2 Years) | 02 = RPA or consultant through state grant |
| C = Long-term (2-5 Years) | 03 = RPA or consultant through contract or other |

| No. | Topic | Recommendation | Priority | \$ |
|----------|---|---|----------|-----------|
| 1 | <i>Creation of Site Plan Review Regulations</i> | <ol style="list-style-type: none"> 1. Create a Site Plan Approval provision in the Zoning Bylaw 2. Transfer more “normal and expected” uses to SPR by the Planning Board. The benefits include: <ol style="list-style-type: none"> a. Predictability b. Economic Development c. Review and input on various elements of project design 3. Minor SPR for changes in use | B | 02 |
| 2 | <i>Creation of a Comprehensive Solar Bylaw</i> | Create a comprehensive solar bylaw should be created incorporating newer best practices. | A | 03 |
| 3 | <i>Address Sign Regulations</i> | Create a comprehensive sign bylaw that can set specific height, size, and other design standards for each of the town’s business, commercial, and industrial districts. | C | 03 |
| 4 | <i>Address Parking Regulations</i> | Create a specific parking bylaw containing provisions incorporating standard requirements and best practices applicable to a wider range of uses. | C | 03 |
| 5 | <i>Update Definitions</i> | Review, evaluate, and consider the complete update of definitions to include common, anticipated, desired, and controversial uses | B | 01 |
| 6 | <i>Downtown Area Considerations</i> | Consider the creation of a downtown vision, goals, and strategies to inform the creation of a downtown overlay district. | C | 02 |
| 7 | <i>Mill Overlay District Considerations</i> | Consider creation of a Chapter 40R overlay district to encourage and/or allow the creation of a housing or mixed-use development. | C | 03 |
| | <i>Address Home Occupation</i> | Continue to pursue the creation of a comprehensive home occupation bylaw | B | 01 |

| No. | Topic | Recommendation | Priority | \$ |
|-----|--|--|----------|-----|
| | | that seeks to increase the opportunities for resident business owners while also providing performance standards intended to protect abutters | | |
| 8 | <i>Supplemental Apartment</i> | The Town should, as a long-term goal, research and consider the range of options available with respect to zoning associated with creating these small secondary units within, attached to, or detached from single family homes. | B | 01 |
| 9 | <i>Bed and Breakfast</i> | The Town should consider adding the use to the Table of Uses under Accessory Uses along with similar uses of single family homes, e.g. home occupation. | A | 01 |
| 10 | <i>Other Formatting and Administrative</i> | <ol style="list-style-type: none"> 1. Developing a more detailed Table of Contents and add an Index; consider cross-referencing 2. Address how the Life Science and Life Science Technology provision is to be implemented 3. Consider revisions to Open Space Development and Townhouse Development provisions to make more useable 4. Be proactive related to recreational marijuana regulation 5. Make Article I, Purpose and Authority and Article IX, Administration and Procedures, more robust and include additional clarifying procedures 6. Consider conducting a Master Plan update. 7. Add a purpose for each zoning district | A-C | All |