

Wednesday, April 27, 2022
Uxbridge Planning Board Meeting Minutes
21 South Main Street, Room 205
Uxbridge, MA 01569

Members	James Smith Chairman	Barry Hauck Vice Chairman	Eli Laverdiere	Joe Leonardo	Rory St. Pierre
Attendance	X	X	X	X	

The Planning Board opened the meeting at 7:00 pm.

Continued Public Hearing:

Definitive Subdivision Plan- Bowies Landing 335 William Street:

The public hearing for Bowies Landing was opened.

The Engineer representing the project requested a continuation to the next meeting May 11, 2022.

On a motion made by Barry Hauck, seconded by Eli Laverdiere, the Board voted unanimously to continue the hearing for Bowies Landing to Wednesday, May 11, 2022 at 7:00 pm.

Continued Public Hearing: Special Permit for Big Y:

The public hearing for Big Y was opened.

On a motion made by Eli Laverdiere, seconded by Barry Hauck, the Board voted unanimously to continue the hearing to May 11, 2022.

PUBLIC HEARING:
WARRANT ARTICLES:

ARTICLE 21:

The public hearing for warrant Article 21 was opened.

The Chairman read the notice.

ARTICLE 21: CITIZENS' PETITION - AMENDMENT TO ZONING BYLAWS;
ARTICLE VIII, SECTION 400-43 - HIGH RIDGE AGE RESTRICTED DEVELOPMENT
OVERLAY DISTRICT

To see if the Town will vote to amend the zoning bylaws by adding Section 400-43, the "High Ridge Age Restricted Development Overlay District," in Article VIII of the Zoning Bylaws as follows:

High Ridge Age Restricted Overlay District

A. Purpose and Intent

The High Ridge Age Restricted Development Overlay District is hereby established as an overlay district covering 23.4 +/- acres of land in the Residence C District and the Business District, more specifically described and shown on the Uxbridge Assessors Map 25, as Parcels 2559, 2588, 3313, 3314, 3357, 3344, 3374, 3379, 4111 and on Map 24.B as Parcels 4025, 4035, 4046, 4059, 4078, 4824, 4828, 4835 and 4842. 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 High Ridge Age Restricted Development Overlay District is intended to encourage the development of High Ridge 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. High Ridge 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 High Ridge 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 and triplex 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 High Ridge Age Restricted Development, passive and active recreational facilities and structures for use by the occupants of the High Ridge Age Restricted Development, and central mail delivery facilities for the Development may be allowed under the High Ridge Age Restricted Development Special Permit.

C. Minimum Lot Size, Access, Utilities

The High Ridge Age Restricted Development may be permitted on contiguous tracts of land in the High Ridge 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 Fifteen (15) Acres;
3. has a minimum of one hundred (100) feet of frontage on a way in the Town of Uxbridge;
4. A Development of thirty (30) acres or more is to be served at least two private access ways that directly access the Development from a way in the Town of Uxbridge, 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 High Ridge Age Restricted Developments permitted under this Section.

D. Maximum Density of Development

The maximum allowable density for a High Ridge 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 twenty (20) feet to any other building in the High Ridge 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 of the adjacent public way.
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 High Ridge 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 a High Ridge Age Restricted Development may only be divided or reduced in size as provided for in the Special Permit.

H. Site Plan

The application for a High Ridge 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 High Ridge 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 a High Ridge 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 High Ridge 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 in a proportion determined by the Special Permit Granting Authority

M. Exemption from Growth Management By-law

High Ridge 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 Planning Board shall be the Special Permit Granting Authority under this Section. The Planning Board shall not grant a special permit for a High Ridge 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 High Ridge Age Restricted Overlay District Development would

be inconsistent with the purposes and requirements of this Section. In issuing a special permit for an High Ridge Age Restricted Overlay District Development, the Planning Board shall impose such conditions and safeguards as public safety, welfare and convenience require. (as amended by Town Meeting 5/11/2010 and approved by the AG's Office 8/11/2010).

SPONSOR: Citizens' Petition

The representative David Aldridge was present. He explained that the warrant was drafted with the assistance of the Town Planner. The plan was prepared by Land Planning. A historical overview of the project was explained. There was a question about parcel 4111. The applicant will follow up with the Board of Assessors. The formula to figure out the affordable will be the same one used as Summerfield. The formula is for one affordable unit per 4 acres of land. The Board would like to see more affordable. This will be a private way. There was a problem with the slope last time this was presented. Road A is partially existing and Road B needs to be corrected after discussion with the Board of Assessors. Parcel 2592 is not part of the overlay district. This development will have a Home Owner's Association.

On a motion made by Eli Laverdiere, seconded by Barry Hauck, the Board voted unanimously to recommend Article 21 (4-0).

ARTICLE 22: CITIZENS' PETITION - AMEND & ADOPTION OF THE TOWN OF UXBRIDGE ZONING BYLAWS

To see if the Town will vote to amend the Zoning Bylaws § 400-23 of the Town of Uxbridge by amending § 400-23 Section A.1. Number of Marijuana Establishments and Medical Marijuana Treatment Centers total number of retailers from 3 to 4.

Motion: I move that the Town vote to amend the Town of Uxbridge Zoning Bylaws to raise the number of marijuana retailers in the Town of Uxbridge from (3) three to (4) four by amending Bylaw § 400-23, subsection A 1., Marijuana Establishments, and Medical Marijuana Treatment Centers as follows:

A. Number of Marijuana Establishments and Medical Marijuana Treatment Centers

1. "The maximum number of marijuana retailers shall be no more than twenty percent (20%) the total number of licenses which have been issued within Uxbridge for the retail of alcoholic beverages not to be drunk on the premises for the preceding fiscal year, or three four in total, whichever greater."

SPONSOR: Citizens' Petition

The Attorney for the applicant was present to explain the article.

The Board reviewed the article as written.

On a motion made by Eli Laverdiere, seconded by Barry Hauck, the Board voted unanimously to recommend Article 22 (4-0).

GENERAL BUSINESS:

Mill Street ANR Plan:

The Board is in receipt of the ANR plan for Mill Street.

The application was reviewed by the Town Planner.

The plan is to reviewed the plan is to configure the lot around the current buildings and around the driveway. There are 5 acres of area. The buildings on the top will remain with Andrews Realty Trust.

On a motion made by Joe Leonardo, seconded by Eli Laverdiere, the Board voted unanimously to endorse the ANR Plan for Mill Street recommend (4-0).

186 Providence Street Modification:

The Board is in receipt of a request for a modification for 186 Providence Street. The Town Planner and Board reviewed the application. The applicant ZP Battery DevCo LLC's received a Special Permit and Stormwater Management permit which was approved on September 8, 2021 and amended on December 8, 2021. The modification request was from the comments which needed to be addressed from the Uxbridge DPW. This will have no detrimental impact on the stormwater system on the property. The said plan is entitled "ZPB-373 ENERGY STORAGE SYSTEM 186 PROVIDENCE STREET · UXBRIDGE · MASSACHUSETTS JUNE 1, 2021 PERMITTING PLANS REVISED OCTOBER 25, 2021" d

On a motion made by Barry Hauck, seconded by Eli Laverdiere, the Board voted unanimously to approve the modification for 186 Providence Street.

Gun and Rod Club:

The Board is waiting for the As-Built plan. Graves has signed off on this project. The bond will also need to be released.

Approval of Minutes:

April 13, 2022:

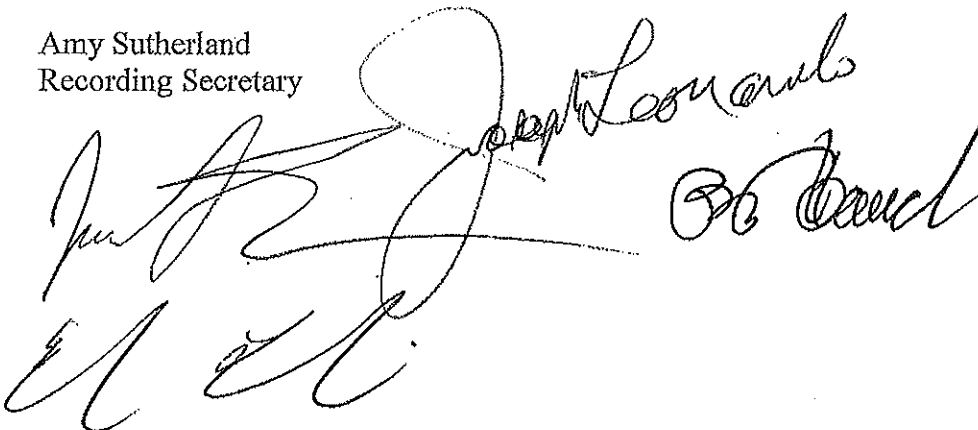
On a motion made by Joe Leonardo, seconded by Eli Lavediere, the Board voted to approve the minutes as revised.

Adjourn:

On a motion made by Joe Leonardo, seconded by Eli Laverdiere, the Board voted to adjourn the meeting at 8:30 pm.

Respectfully Submitted,

Amy Sutherland
Recording Secretary

The block contains three handwritten signatures in black ink. The top signature is 'Joe Leonardo', the middle one is 'Barry Hauck', and the bottom one is 'Eli Laverdiere'. They are written in a cursive, flowing style.