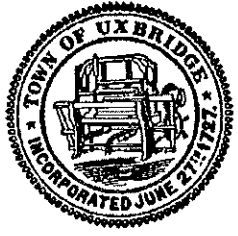


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Town of Uxbridge  
**Planning Board**  
21 South Main Street  
Uxbridge, MA 01569  
(508) 278-8600, ext. 2013

### **Public Hearing Notice**

The Uxbridge Planning Board pursuant, to MGL, Chapter 40A Section 5, will hold a Public Hearing on **Wednesday, October 16, 2019 at 7:00pm** in the Board of Selectmen's Room, Uxbridge Town Hall, 21 South Main Street, Uxbridge, MA to review and vote their recommendations on the following **Warrant Article** for the **Special Town Meeting of October 22, 2019**. Full text of all Articles are available in the Office of the Town Manager.

#### **ARTICLE: UXBRIDGE ZONING BYLAW §400-42 MTMC MULTI-TOWN MIXED COMMERCE**

To see if the Town will vote to:

amend the Zoning Bylaws by adding §400- 42 Multi-Town Mixed Commerce District (MTMC); and further amend Uxbridge Zoning By-law Appendix A "Table of Use Regulations" and Appendix B "Table of Dimensional Requirements" to add MTMC and to amend Uxbridge Zoning Map by changing the applicable zoning on parcels described as Assessors Map 9 Parcel 1465 and Map 3 Parcel 4775 to MTMC,

Or take any other action relative thereto.

**SPONSOR:** Planning Board

Legal ad posted: Oct. 2<sup>nd</sup> & Oct 9<sup>th</sup>



§400 - 42 Multi-Town Mixed Commerce (MTMC)

A. Purpose

The purpose of the Multi-Town Mixed Commerce District is to provide for a mix of retail, commercial and industrial uses in an area that is situated in more than one town and that is geographically suited to commerce activities. The district encourages a mix of low-intensity industrial uses as well as larger retail uses.

The intent of this section is to create a zoning district in the Town of Uxbridge that can be easily replicated and adapted by other communities when it is appropriate.

The application of this zoning district will be limited to parcels that share a border with like parcels in an abutting community(s) when the subject community and Uxbridge are collaborating in an economic development effort.

The primary purpose for the Multi-Town Mixed Commerce ("MTMC") is:

- Development consisting of one or more lots developed as a cohesive project and designed with a blend of various compatible uses such as large scale ("big box") retail, institutional, commercial and industrial including manufacturing, warehouse and distribution facilities.

B. Establishment and Delineation

The Multi-Town Mixed Commerce District is hereby established as a zoning district that can only be used when a parcel and the development of said parcel involves parcels located in abutting towns and where said towns have adopted and applied the same or similar zoning language to the abutting parcels.

C. Allowed uses

The following uses are allowed within the Multi-Town Mixed Commerce districts:

1. Campus-style office structures or groups of structures including office buildings, laboratory and research facilities.
2. Hotels of more than 100 guest rooms.
3. Wholesaling, warehousing, and distribution facilities over 100,000 square feet
4. Higher education, technical schools or other professional training facilities.
5. Retail of a minimum 100,000 SF in size.
6. Indoor agriculture (including hydroponic) facilities over 50,000 square feet
7. Theatres and meeting facilities of more than 15,000 square feet.
8. Commercial Indoor and Outdoor Recreational facilities
9. Long-term healthcare facilities

D. Dimensional and intensity requirements

1. Minimum requirements are as follows:
  - a. Lot size: 2 acres
  - b. Lot width: 300 feet
  - c. Lot depth: 150 feet
  - d. Side yard setback: 40 feet
  - e. Front yard setback: 40 feet
  - f. Rear yard setback: 40 feet
  - g. Maximum height: 60 feet
2. A two-hundred (200) foot natural buffer is required on numbered routes or highways.

E. Application

1. Joint Pre-application review. The applicant is strongly encouraged to request a pre-application (involving subject host communities) 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 development, 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. Submission requirements.
  - a. A site plan shall be prepared by a registered professional engineer, architect or landscape architect at a scale of one (1) inch equals twenty (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 three-hundred (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 three-hundred (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, end walls, 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 fifty (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 one-hundred (100) feet of the site.
- (14) Elevation plans at a scale of 1/4 inch equals one (1) 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.

#### F. Large Developments

1. For large developments, those exceeding one hundred-thousand (100,000) square feet of combined gross floor area or requiring more than one-hundred (100) parking spaces the Planning Board may require a development impact assessment which shall include the following:

a. Traffic impact assessment.

(1) 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.

(2) Format and scope.

i. Existing traffic conditions; average daily and peak hour volumes, average and peak speeds, sight distance, accident data and levels of service 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 one-thousand (1,000) feet of the project boundaries.

ii. The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels.

iii. The projected traffic flow pattern, including vehicular movements at all major intersections likely to be affected by the proposed use of the site.

iv. The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities.

v. Traffic assessment data shall be no more than twelve (12) months as of the date of the application.

vi. All off-site improvements required as a condition of site plan approval must be necessitated by the proposed project.

(3) 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.

- (4) 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.

(5) Community impact assessment; format and scope:

- i. Evaluation of the relation of the proposed new or altered structure to the subject communities (Multi-Towns) 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.

G. Permits, Approvals, Variances and Applications

1. 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.
  - (a) 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.
2. Prior to the issuance of permits, a memorandum of understanding (MOU) between all towns involved in the subject project, shall be agreed to and filed with each respective Town Clerk and Planning Board.

H. Standards for Review

1. 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, storm water 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.





USE	ZONING DISTRICTS							
	R-A	R-B	R-C	A	B	IA	IB	MTMC
<b>SECTION C. Agricultural Uses</b>								
Farm, truck garden, nursery, or greenhouse with less than five (5) acres	ZBA	ZBA	ZBA	Y	PB	PB	PB	N
Farm, truck garden, nursery, greenhouse or other agricultural or horticultural use.	N	N	N	Y	PB	PB	PB	N
Non-exempt agricultural use	ZBA	N	N	N	N	N	N	N
<b>SECTION D. Commercial Uses</b>								
Adult entertainment establishment	N	N	N	N	N	PB	PB	N
Airport or landing field, commercial	N	N	N	Y	N	N	N	N
Animal clinic or hospital	N	N	N	Y	PB	PB	PB	N
Bank, financial agency	N	N	N	N	Y	Y	Y	Y
Bed and breakfast establishment	ZBA	ZBA	N	N	N	N	N	N
Billboards, including any sign of more than forty (40) square feet	N	N	N	N	N	N	N	N
Boarding house	ZBA	N	N	N	N	N	N	N
Business or professional office, including medical	ZBA	N	N	N	Y	Y	Y	Y
Commercial recreation, indoor	N	N	N	N	Y	Y	Y	Y
Commercial recreation, outdoor	N	N	N	Y	PB	PB	PB	Y
Funeral home	ZBA	ZBA	ZBA	N	N	N	N	N
Garaging and maintaining more than three (3) automobiles of the passenger type	ZBA	N	ZBA	N	ZBA	ZBA	ZBA	N
Gasoline or filling station	N	N	N	N	ZBA	ZBA	ZBA	N
Hotel or motel located on a tract of land at least two (2) acres in area and at least one hundred-fifty (150) feet from any permanent residential building	N	N	N	N	Y	Y	Y	Y
Laundry or laundromat; dry cleaning establishment	N	N	N	N	ZBA	ZBA	ZBA	N
Life Science and/or Life Science Technology	N	N	N	N	Y	Y	Y	Y
Marijuana establishment (retail)	N	N	N	Y	N	Y	N	Y
Marijuana establishment (cultivation, production)	N	N	N	Y	N	Y	Y	Y
Medical marijuana treatment center	N	N	N	Y	N	N	Y	N
Nursing or convalescent home; home for the aged	ZBA	ZBA	ZBA	N	N	N	N	Y



USE	ZONING DISTRICTS							
	R-A	R-B	R-C	A	B	IA	IB	MTMC
<b>Section G. Accessory Uses</b>								
Home occupation	Y	Y	Y	Y	N	N	N	N
Juice bar, as an accessory use to a private club, restaurant or country club	N	N	N	ZBA	N	N	N	N
Retail trade or shop for manufacturing articles incidental to and as an accessory use to a retail business	ZBA	N	N	ZBA	N	N	N	N

**Key**

Y = Permitted

N = Not permitted

ZBA = Permitted by Special Permit granted by the Zoning Board of Appeals

PB = Permitted by special permit Special Permit granted by the Planning Board

BI = Permitted following approval by the Building Inspector.

**Additional Limitations**

The use, production, manufacture, or storage of Recombinant DNA is prohibited without first obtaining a PERMIT issued by the Board of Health.

The allowance of Restaurant/Diner, Retail stores and or services, Business or professional office, including medical, and Retail trade or shop for manufacturing articles incidental as an accessory use to a retail business, as may be permitted by the ZBA, is hereby limited to structures with a total finished area in excess of four-thousand (4,000) square feet, built prior to 1930, and listed on the national register of historic places.

**APPENDIX B**  
**TABLE OF DIMENSIONAL REQUIREMENTS**

Zoning District	Minimum Lot Size Sq. Ft.	Setbacks Principal Use			Setbacks Detached Garage or Accessory Use			Frontage		Height	
		Front <sup>1</sup> (feet)	Side (feet)	Rear (feet)	Front <sup>2</sup> (feet)	Side (feet)	Rear (feet)	Interior Lot (feet)	Corner Lot (feet)	Maximum Height (feet)	Maximum Number of Stories
R-A	2000 <sup>3</sup>	30	25	30	65	5	5	125	140	35	25
R-B	43,560 (1Acre)	30	25	30	65	5	5	185	200	35	25
R-C	43,560 (1Acre)	40	30	Lesser of 40 ft. or 25% of lot depth, if at least 30 ft.	75	10	10	200	200	35	25
A	87,120 (2 Acres)	40	30	Lesser of 40 ft. or 25% of lot depth if at least 30 ft.	75	10	10	300	300	35	25
B	15,000	30	25	30	65	5	5	125	140	45	3
I-A	30,000	30	30	20	30	30	20	175	200	45	3
I-B	30,000	30	30	20	30	30	20	175	200	45	3
MTMC	87,120 (2 acres)	40	40	40	40	40	40	300	300	60	4

<sup>1</sup> In the case of a corner lot, the frontage requirement applies to either street.

<sup>2</sup> See Footnote 1 (above).

<sup>3</sup> Plus for an Apartment House, 8,000 square feet per additional unit over one (1) up to four (4) apartment units per lot.

