



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

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March 11, 2021

Kelly Cote, Town Clerk  
Town Uxbridge  
21 South Main Street  
Uxbridge, MA 01569

**Re: Uxbridge Fall Annual Town Meeting of October 27, 2020 -- Case # 10012  
Warrant Article # 12 (Zoning)**

Dear Ms. Cote:

**Article 12** - We approve Article 12 adopted at the Uxbridge October 27, 2020, Fall Annual Town Meeting.

**Note:** Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,  
MAURA HEALEY  
ATTORNEY GENERAL

*Kelli E. Gunagan*

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cc: Town Counsel Jason Talerman

## **ARTICLE 12: AMEND THE ZONING BYLAWS BY AMENDING ZONING TABLE OF USE REGULATIONS & ZONING TABLE OF DIMENSIONAL REQUIREMENTS**

To see if the Town will vote to Amend the Zoning Bylaws by Amending Table A Zoning Table of Use Regulations, and Table B Zoning Table of Dimensional Requirements as printed in the attachment, or take any other action relative thereto.

**SPONSOR:** The Planning Board

**COMMENTARY:** This article will allow corrections to the Table of Use Regulations and Table of Dimensional Requirements, as well as clarify the applicability of cogeneration facilities. Upon review, Massachusetts Attorney General Maura Healey ruled that the amendment to Appendix A Table of Use Regulations as written and accepted by Fall Annual Town Meeting (October 2019) failed to meet the standard of acceptability and M.G.L., c.40A §3. The Attorney General remanded the by-law back to the Town with the direction to add/include religious facilities to the newly created Multi-Town Mixed Commerce zoning.

Citing the same M.G.L., c.40A §3, the Attorney General suggested that the Town cannot prohibit, restrict, unreasonably regulate, or require a special permit for the use of land for the primary purpose of commercial agriculture, etc.

In addition, a change to the Table of Use Regulations were made in order to provide for cogeneration facilities with a capacity of three hundred-fifty (350) megawatts or less. This will provide opportunities for cannabis cultivation and manufacturers that are heavily dependent on electricity to be able to generate power to satisfy their demand.

Corrections and changes were made to the Table of Dimensional Requirements as well that increased the height allowed.

**REFER TO ATTACHMENT #4**

**MOTION:** Move that the Town Amend Article 12 by breaking it into 4 separate votes as the following:

1. Amend the Zoning Bylaws by Amending Table A Table of Use Regulations Section B and Section F as printed in the amendment to the warrant, or take any other action relative thereto.

USE	ZONING DISTRICTS							
	R-A	R-B	R-C	A	B	IA	IB	MTMC
<b>SECTION B. Exempt and Institutional Uses</b>								
Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel that is more than five (5) acres in area.	Y	Y	Y	Y	Y	Y	Y	N-Y
Use of land or structures for religious purposes	Y	Y	Y	Y	Y	Y	Y	N-Y
<b>SECTION F. Other Uses</b>								
Cemetery or crematory, non-profit (not religious)	ZBA	ZBA	ZBA	ZBA	N	N	N	N
Cemetery or crematory, (religious)	Y	Y	Y	Y	Y	Y	Y	Y

2. Amend the Zoning Bylaws by Amending Table A Table of Use Regulations Section D as printed in the amendment to the warrant, or take any other action relative thereto.

USE	ZONING DISTRICTS							
	R-A	R-B	R-C	A	B	IA	IB	MTMC
<b>SECTION D. Commercial Uses</b>								
Marijuana establishment (retail)	N	N	N	N	N	Y	N	Y
Marijuana establishment (cultivation, production)	N	N	N	N	N	Y	Y	Y
Medical marijuana treatment center	N	N	N	N	N	N	Y	N

**3. Amend the Zoning Bylaws by Amending Appendix B Table of Dimensional Requirements Section B as printed in the amendment to the warrant, or take any other action relative thereto**

Zone	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	20,000	30	25	30	65	5	5	125	140	35	25-3.5
R-B	43,560 (1Acre)	30	25	30	65	5	5	185	200	35	25-3.5
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	25-3.5
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	25-3.5

**4. Amend the Zoning Bylaws by Amending Appendix B Table of Dimensional Requirements Section B with as printed in the amendment to the warrant, or take any other action relative thereto**

B	15,000	30	25	30	65	5	5	125	140	45-60	3-4.5
I-A	30,000	30	30	20	30	30	20	175	200	45-60	3-4.5
I-B	30,000	30	30	20	30	30	20	175	200	45-60	3-4.5
MTMC	87,120 (2 acres)	40	40	40	40	40	40	300	300	60	4.5

*Vote required for passage: 2/3rds majority*

**THE FINANCE COMMITTEE RECOMMENDATION: No recommendation**

The committee will consider the merits of this article after the Planning Board Public Hearing scheduled for October 26, 2020.

**THE BOARD OF SELECTMEN RECOMMENDATION: Favorable Action (4-0-0)**

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

The motion was seconded

Vote #1 - Moderator declares a 2/3rds majority vote, motion carries, Yes-71, No-16

Vote #2 - Moderator declares a 2/3rds majority vote, motion carries, Yes-75, No-19

Vote #3 - Moderator declares a 2/3rds majority vote, motion carries, Yes-73, No-24

Vote #4 - Moderator declares the motion fails, Yes-59, No-37