

Chapter 400

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 protect the health and safety of its inhabitants, to encourage the most appropriate use of land throughout the Town, to preserve the cultural, historical and agricultural heritage of the community, to increase the amenities of the Town and to reduce the hazard from fire by regulating the location and use of buildings and the area of open space around them, all as authorized by, 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.

§ 400-2 Authority

These Bylaws are enacted in accordance with the provisions of the Massachusetts General Laws, Chapter 40A, any and all amendments thereto.

§ 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 Separability

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), Industrial A (I-A) and Industrial B (I-B).

§ 400-8 Overlay Districts

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

The location and boundaries of said zoning and overlay districts are shown on a map called “TOWN OF UXBRIDGE ZONING MAP” updated through 1999 and as amended thereafter, which map together with all the boundary lines and designations thereon, is hereby declared a part of these Bylaws.

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.

A. By Right

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. Special Permit: Board of Appeals

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 “PB” 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. Prohibited Uses

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

1. Racetracks, which include any tract of land which is used for the purpose of auto racing, horse racing or dog racing.
2. Commercial jetports, commercial airports, commercial heliports, commercial runways or commercial landing fields. Commercial is intended to mean business activities which rely on said jetports, airports, heliports, runways or landing fields to generate income, gross receipts and sales but is not intended to prohibit the use of private aircraft or landing facilities of any business enterprise obtaining approval for same.
3. The manufacture, storage, transportation or disposal of hazardous material as a principal activity, but not including substances intended for use by a Gasoline Selling Station as defined Article X of these Bylaws.

4. Junkyard. Antique Motor Cars 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.
5. The commercial manufacture of electricity through the use of an electrical generating facility or cogeneration facility as a principal activity with a production capacity of greater than 350 megawatts. (*Amended 11/08*)
6. Penitentiary.
7. Commercial land filling operation and/or dumping ground.

§ 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 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.

§ 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

The Board of Appeals may award a special permit to change a 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:

1. change or substantial extension of the same use;
2. 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 a

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:

1. reconstructed, extended or structurally changed;
2. 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. 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.

E. 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:

1. 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. Abandonment or Non-Use

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

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.

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

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 GENERAL REGULATIONS

§ 400-15 Signs

A. Purpose

The purpose of this section is to provide standards for the installation of signs affixed to buildings or structures or placed on building grounds so as to preserve the aesthetic and historic appearance of the Town, promote economic development, protect property values and reduce traffic safety hazards and undue nuisance to neighboring properties.

B. Definitions

Billboard - A sign of more than forty (40) square feet in Sign Area, that identifies, advertises or attracts attention to a business, product, service, event or activity sold or offered at a different location than where the sign exists.

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.

Sign Area - The area that includes all lettering, wording and accompanying symbols or designs as well as the background on which they are displayed, whether open or enclosed, any frame around such background and any cutouts or extensions. The area of a sign consisting of individual letters or symbols attached to or painted on a surface, wall or building shall be considered to be that of the smallest rectangle comprised of horizontals and verticals that encompasses all of the letters and symbols. Only one side of a two-sided sign shall be counted in computing the area of a sign.

Temporary Sign - A sign that, by its design or use is temporary in nature and not permanently affixed. Temporary signs are not used more than once per calendar year for a period not to exceed forty-five (45) days. This does not include political signs for a specific election period.

Wayfinding Sign - A sign that specifically provides guidance, direction, location, regulation such as speed limit and other information to a person unfamiliar with an area.

C. Applicability

1. Residence A, Residence B, Residence C and Agricultural zoning districts, are subject to the following:
 - a. 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 Sign 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 sign of not more than twelve (12) square feet;

- b. There may be one freestanding sign at the entrance to a development, not to exceed sixteen (16) square feet in Sign Area and ten (10) feet in height which shall not be located closer than six (6) feet to the edge of a street.
 - c. Businesses allowed for the Zoning District as identified within Appendix A, Table of Use Regulations, may have one sign attached to the street facing side of a building that may not exceed twelve (12) square feet. The sign must be secured to the wall of the building and may not extend beyond the eaves of the building or more than one (1) foot from the wall or encroach within the public way.
 - d. At the discretion of the Building Inspector, businesses within the Agricultural District may have one freestanding sign, not to exceed thirty-two (32) square feet in Sign Area and ten (10) feet in height which shall not be located closer than ten (10) feet to the edge of a street.
 - e. Signs displayed on property that is for sale, lease or rental of the premises, are not to exceed six (6) square feet in Sign Area.
 - f. Illuminated signs are not permitted unless their use has been allowed by Special Permit from the Special Permit Granting Authority.
2. Business A and Business B zoning districts, are subject to the following:
- a. One freestanding sign, not to exceed the maximum height restriction for the Zoning District as identified within Appendix B, Table of Dimensional Requirements, may be erected. Such sign shall not be within any right of way and shall set back at least ten (10) feet from the edge of the street. The total Sign Area, for the full structure, may not exceed forty (40) square feet. There shall be one freestanding sign per parcel regardless of how many businesses or buildings reside on the parcel. Lots that have greater than one hundred (100) feet of frontage on more than one public way may have two freestanding signs on the lot, each along a different public way.
 - b. The total Sign Area of all signs attached to the sides of a building may not exceed one (1) square foot for each linear foot of building frontage facing a public way. The sign must be secured to the wall of the building and may not extend beyond the eaves of the building or more than one (1) foot from the wall or encroach within the public way.
 - c. A roof sign must be secured to the roof of the building and may not extend higher than the ridgeline of the roof.
 - d. Signs displayed on property that is for sale, lease or rental of the premises, are not to exceed thirty-two (32) square feet in Sign Area.
3. Industrial A and Industrial B zoning districts, are subject to the following:
- a. A non-illuminated sign displayed on property that is for sale, lease or rental, and having a Sign Area of not more than forty (40) square feet, shall be permitted.

- b. Permanent signs shall conform to all applicable side and rear yard requirements for the Zoning District as identified within Appendix B, Table of Dimensional Requirements. Signs may be located no nearer than six (6) feet to the edge of a street.
 - c. There may be one freestanding sign at each separate entrance, to each individual parcel of land, not to exceed the maximum height restriction for the Zoning District as identified within Appendix B, Table of Dimensional Requirements. Such sign shall not be within any right of way and shall set back at least six (6) feet from the edge of a street. The total Sign Area may not exceed eighty (80) square feet.
 - d. The total Sign Area of all signs attached to the sides of a building may not exceed one half (0.5) square foot for each linear foot of building frontage facing a public street. The sign must be secured to the wall of the building and may not extend beyond the eaves of the building or more than one (1) foot from the wall or encroach within the public way.
 - e. A roof sign must be secured to the roof of the building and may not extend higher than the ridgeline of the roof.
- 4. Overlay Districts are subject to the underlying base zoning district limitations unless additional criteria or allowance is set forth within the applicable section of the Zoning Bylaw for the Overlay District.
 - 5. Temporary Signs may be used in all districts and shall not exceed eight (8) square feet in Sign Area. Banners or advertising flags may be displayed and shall not exceed twenty-four (24) square feet in Sign Area and shall not be displayed for more than forty-five (45) consecutive days.
 - 6. The use of Wayfinding signs are permitted in all districts and shall not exceed six (6) square feet in Sign Area.
 - 7. Signs existing prior to the adoption of these provisions are allowed to remain and are not subject to the requirements of this Section unless said sign is removed and replaced with a different sign or expanded in size. Existing signs may be removed for maintenance, re-lettering or name change, without requiring approval under this section.
 - 8. Billboards are only permitted by Special Permit from the Planning Board or Board of Appeals, as set forth in the Zoning Use table.
 - 9. Illuminated Signs shall conform to the following:
 - a. Exterior illumination shall be by a stationary, shielded, white light directed downward or horizontally and solely at the sign.
 - b. Internally illuminated signs shall use white light and shall have opaque surfaces so that the light source is not directly visible.
 - c. Signs may be illuminated until 10:00 P.M. or end of daily operating hours, whichever occurs later.

- d. The light from any sign shall be at a sufficiently low level of intensity that it shall not, in the judgment of the Zoning Enforcement Officer: adversely affect neighboring premises, reflect or shine on lots used for residential purposes, or impair the safe vision of operators of vehicles moving on public roadways.

10. Signs not otherwise permitted shall be allowed by Special Permit from the Special Permit Granting Authority.

D. Issuing Authority

The Issuing Authority identified within the Table of Use Regulations may grant a Special Permit for signs, not otherwise allowed, upon determining that the proposed sign meets the purposes of this Section and otherwise shall not cause substantial detriment to the community.

If a proposed sign is included in an application for a related Special Permit, authority to grant a Special Permit will be with the Issuing Authority having jurisdiction over the related Special Permit.

E. Application

An application for a Special permit for a sign shall be submitted in accordance with the provisions contained in Section 400-50.

F. Submission Requirements

An application shall be submitted by the applicant showing all permanent signs in detail and as they are proposed to be installed on the building or structure. Plans shall include color, materials, lettering, lighting and proposed mounting details.

G. Recommended Standards

1. Signs should not extend above the roof line or facade, whichever is higher; roof signs should not be permitted.
2. Signs should not be flashing, shimmering or consist of rotating lights.
3. Sign should not be placed in a location which prevents the driver of a vehicle from having a clear and unobstructed view of approaching or merging traffic.
4. No floodlight or other light illuminating a sign, shall be placed so as to shine directly onto adjoining property or be a source of nuisance to the neighborhood in which it is located.

A. Purpose

The purpose of this section is to provide standards for approval of Accessory Dwelling Units (also known as “accessory apartments”, “in-law apartments”, “family apartments”, “secondary units” or ADUs) that can be integrated into, or on the same property as, existing single family residences to provide additional housing to relatives or caregivers of the primary resident; that have little or no negative impact on the character of the neighborhood; and that protect property values and prevent undue nuisances to neighboring properties.

Benefits of Accessory Dwelling Units include:

1. Provides the elderly or disabled with a means of obtaining individual caregiver services, thereby enabling them to stay more independently in homes and neighborhoods they might otherwise be forced to leave.
2. Allows for appropriate housing units, in single-family neighborhoods, that support households at various stages of their life cycle.
3. Allows families to more readily share resources.
4. Increases the number of affordable housing units within the community.
5. Decreases unpermitted housing units, promotes code compliance, and increases overall tax base.
6. Preserves the residential character of neighborhoods and maintains property values.

B. Definitions

Accessory Dwelling Unit - An Accessory Dwelling Unit is a self-contained housing unit incorporated within a single-family dwelling, or within a detached structure that is subordinate to a single-family dwelling on the same lot. The ADU gross floor space includes all living, kitchen, bathroom, laundry, and entry space associated specifically for the use of the ADU.

C. Applicability

1. Residence A, Residence B, Residence C and Agricultural zoning districts, are subject to the following:
 - a. The Board of Appeals may issue a Special Permit, for a period not to exceed three (3) years, authorizing the installation and use of an attached accessory dwelling unit within an existing or new single-family dwelling when the following conditions are met:
 - i. The unit will be a complete, separate housekeeping unit containing both a kitchen, bath and no more than one bedroom.
 - ii. Only one accessory dwelling unit may be created within a single-family dwelling or on a lot.
 - iii. No accessory dwelling unit may be created on a lot with multi-family dwellings.

- iv. The owner of the property in which the accessory dwelling unit is created must continue to occupy the dwelling unit or the accessory dwelling as their primary residence, except for bona fide temporary absences not to exceed 6 months.
 - v. The gross floor area of an accessory dwelling unit shall not be greater than eight hundred (800) square feet, unless a larger gross floor area is approved by the Special Permit Granting Authority.
 - vi. The construction of any accessory dwelling unit must be in conformity with the State Building Code, Title V of the State Sanitary Code and other local bylaws/ordinances and regulations.
 - vii. All parking is to be off street unless specifically approved by the Special Permit Granting Authority.
 - viii. A unit that is contained within the primary dwelling shall have its own separate entrance from the outside, located at the side or rear of the primary dwelling, and shall be designed so that the appearance of the building remains that of a single-family dwelling.
 - ix. Occupancy is restricted to relatives of the primary resident who are to be related by blood, marriage, or adoption; or to allow occupancy by caregivers of the primary resident.
- b. The Special Permit may contain any other reasonable conditions in the discretion of the Board of Appeals and will expire after a period of three (3) years and will be renewable upon request providing the applicant continues to meet the requirements of the special permit. Such renewal shall not be unreasonably denied if compliance with the underlying Special permit is maintained. The special permit shall expire if the conditions of approval are not maintained, or a transfer of ownership of the underlying property takes place, or the ADU ceases to be occupied. Within six (6) months of the Special Permit's expiration, the ADU must be vacant, all separately metered utilities disconnected.

2. Business A and Business B zoning districts, are subject to the following:

- a. ADUs are not permitted.

3. Industrial A and Industrial B zoning districts, are subject to the following:

- a. ADUs are not permitted.

4. Overlay Districts are subject to the underlying base zoning district limitations unless additional criteria or allowance is set forth within the applicable section of the Zoning Bylaw for the Overlay District.

D. Application

An application for an ADU shall be submitted in accordance with this section as well as the provisions contained in Section 400-50 for Special Permits.

E. Submission Requirements

An application for an ADU shall include site plans and plans for the ADU and shall include such other material as necessary to describe in detail the general arrangement of the ADU, including:

1. Description of the proposed use and relationship of property owner with proposed occupants
2. Number and approximate size of rooms and structures
3. Location of parking
4. How utilities will be provided
5. Means and location of access and egress
6. Description of exterior appearance
7. Signed Affidavit confirming Primary Resident lives on the premises and that the ADU occupants meet the criteria of Section C, a, IX.

§ 400-17 **Reserved**

§ 400-18 **Reserved**

§ 400-19 **Reserved**

[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.

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 twenty thousand (20,000) square feet or;
2. Fifty (50) or more required parking spaces;
3. Total daily trip generation of four hundred (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;
5. Electrical generating facilities with a capacity of three hundred fifty (350) megawatts or less using natural gas, renewable and ultra-low sulfur fuels, wind, provided-however, that the Planning Board shall not issue special permits for more than two electrical generating facilities in the Town or for a combined production capacity of more than five hundred (500) megawatts in total.

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 (7) 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 does 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 Economic Development and Community Planning, 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 thirty-five (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 thirty-five (35) day period has expired, whichever is earlier. Where circumstances are such that the thirty-five (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 sixty (60) days.
5. The Planning Board shall hold a public hearing on any properly completed application within sixty-five (65) days after filing, shall properly serve notice of such hearing, and shall render its decision within ninety (90) days of the close of said hearing. The hearing and notice requirements set forth herein shall comply with the requirements of M.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 Board of Appeals, the petition to the Zoning Board of Appeals shall be filed not earlier than fourteen (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 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 Assessor's records;
 - l. names and widths of streets;
 - m. purposes and dimensions of easements and rights of ways on or within three hundred (300) feet of the site.
2. 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. 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 required due to a change in use and no structural changes are planned.
4. 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).
5. A locus plan at a scale of 1" = 100' showing streets, lots, buildings, and topography at five (5) or ten (10) ft. contour interval, respectively, for at least five hundred (500) feet from the site, shall be included on the cover sheet or separately.

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 ten (10) and one hundred (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 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 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 twelve (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
Manufacturing/Warehouse/ Industrial use	1 space per 1500 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. The minimum size of each required parking space shall be eighteen (18) feet by nine (9) feet.

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
- 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 Inspector 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 widening 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:
 - a. 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.
 - b. 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 averse 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 A (I-A) and Industrial B (I-B) zoning districts, 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 Chapter 40A, Section 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, Section 63, or M.G.L. Chapter 272, Section 28.
3. Adult uses shall not be located within:
 - a. One thousand (1,000) feet from the nearest church, school, park, playground, play-field, youth center, or 1000 feet from any school bus stop.)
 - b. One thousand (1,000) feet from the nearest establishment licensed under M.G.L. Chapter 138, § 12; or

- c. Five hundred (500) feet from the nearest adult entertainment use as defined herein; or
- d. One thousand (1,000) 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, Section 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

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; except in the case of a Town-designated seasonal work camper at Pout Pond, in which case such house trailer or mobile home may be located in the boundaries of Pout Pond for the period of May 1 through September 30 of any given year. 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 Marijuana establishments, and medical marijuana treatment centers
Establishments, and Medical Marijuana Treatment Centers**

A. Definitions

Under Chapter 400, ZONING BYLAWS, the following definitions shall be provided:

1. Consumer - a person who is at least 21 years of age.
2. Host Community – The Town of Uxbridge.
3. Host Community Agreement (HCA) – an agreement setting forth the conditions to have a marijuana establishment or medical marijuana treatment center located within the host community which shall include, but not be limited to, all stipulations of responsibilities between the host community and the marijuana establishment or a medical marijuana treatment center.
4. Marijuana - all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in Section 1 of Chapter 94C of the Massachusetts General Laws; provided that Marijuana' shall not include:
 - a. The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
 - b. Hemp; or
 - c. The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

5. Marijuana cultivator - an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.
6. Marijuana establishment - a marijuana cultivator, marijuana testing facility, marijuana research facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.
7. Medical marijuana treatment center - shall mean an entity, as defined by Massachusetts law only, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.
8. Marijuana testing facility - an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.
9. Marijuana research facility – an entity licensed to cultivate, purchase or acquire marijuana to conduct research regarding marijuana and marijuana products.
10. Marijuana products - products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.
11. Marijuana product manufacturer - an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.
12. Marijuana retailer - an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

A. Number of Marijuana Establishments and Medical Marijuana Treatment Centers

1. The maximum number of marijuana retailers shall be no more 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 four in total, whichever the greater.
2. There shall be no maximum on the number of marijuana cultivators, marijuana testing facilities, research facilities, marijuana product manufacturer or any other type of licensed marijuana-related business (exclusive of marijuana retailers or medical marijuana treatment centers)
3. The maximum number of medical marijuana treatment centers shall be no more than three (3).

B. Location and Uses Marijuana establishments or medical marijuana treatment centers are prohibited in all zoning districts, except as otherwise permitted by these Bylaws, following the standards herein:

Marijuana establishments or medical marijuana treatment centers are prohibited in all zoning districts, except as otherwise permitted by these Bylaws, following the standards herein:

1. The Board of Selectman shall negotiate and execute a Host Community Agreement (HCA) with the proposed marijuana establishment or medical marijuana treatment center.
2. Any marijuana establishment or medical marijuana treatment center must be located within whichever district permissible under Appendix A, Table of Use Regulations.
3. Said uses shall additionally not be located within seven hundred fifty (750) feet from the nearest school providing education for grades K-12

The distances specified above shall measure by straight line from the nearest corner of the building on which the proposed said use is to be located, to the nearest boundary line to the nearest property line of the school.

4. Except during transportation, marijuana or marijuana products held at any marijuana establishment or medical marijuana facility shall be located within a secure indoor facility.
5. No use covered herein shall be allowed to disseminate or offer to disseminate marijuana products or product advertising to minors or to allow minors to view displays or linger on the premises, except for medical marijuana treatment centers.
6. No use covered herein shall be allowed to have a freestanding accessory sign in the Town of Uxbridge.

C. Enforcement and Violations

The Board of Selectmen, or its designee, shall enforce these regulations and may pursue all available remedies for violations, or take any other action relative thereto.

Violations of any provision of this Bylaw may be addressed administratively; by non-criminal disposition as provided in MGL Chapter 40 Section 21D with fine of three hundred dollars (\$300) per violation; or prosecuted through criminal complaint procedure.

Each day a violation occurs shall be considered a separate violation hereunder.

D. Municipal Charges Lien

If any fine remains unpaid after six (6) months from its due date, it shall become a Municipal Charge Lien pursuant to the provisions of M.G.L. Chapter 40, Section 58. If the bill(s) remains unpaid when the Assessors are preparing a real estate tax list and warrant to be committee

under MGL Chapter 59, Section 53, the Board or officer in charge of the collection of the municipal fee or charge shall certify such charge or fee to the Assessors, who shall add such to the tax bill on the property to which it relates and commit it with their warrant to the Tax Collector as part of such tax bill.

E. Validity and Severability

The invalidity of one or more sections, subsections, clauses or provisions of this bylaw shall not invalidate or impair the bylaw as a whole or any other part thereof.

- § 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

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.

§ 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.

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.

§ 400-32 Retreat Lots

I. Purpose

For the purpose of providing reasonable use of backland for single family residential use, there may be established so called retreat lots, also called pork chop lots or hammer head lots, the building upon which may be authorized by the Planning Board subject to the following conditions:

- A. Said lot shall be entirely within residential zoning district R-A, R-B, R-C or the Agricultural Zone.
- B. Said lot shall have a minimum street frontage of 30 feet and a width of no less than 30 feet until the retreat lot is entered
- C. The area of said lot shall be at least twice the minimum lot size allowed in zoning districts R-A, R-B, R-C and the Agricultural Zone.
- D. Said lot shall otherwise be in compliance with all other requirements of the Zoning Bylaws applicable to the Zoning District in which the lot is located.
- E. Said lot shall not be contiguous with any other lot which has been granted a special permit pursuant to this section.

F. At the time the application for a special permit is submitted all other lots contiguous to said lot shall conform to the requirements of the Zoning District in which it is located.

G. No building permit shall be issued pursuant to this section unless said lot is situated on a public way accepted by the Town of Uxbridge.

H. Any dwelling constructed on said lot shall be a single family home.

I. Once a retreat lot with reduced frontage is approved by the Planning Board it cannot be subsequently divided into additional lots.

J. The access of said lot shall be within the boundary lines of the lot and shall not be subject to any RIGHT OF WAY nor any PUBLIC or PRIVATE EASEMENT.

K. The creation of multiple retreat lots on a parcel of land on a public way accepted by the Town of Uxbridge is prohibited.

II. Site Plan Review

The application for a retreat lot shall be accompanied by a site plan.

III. Permitted by Special Permit

The Planning Board shall serve as the permitting authority for issuance of special permits for retreat lots, with conditions and limitations as deemed necessary.

§ 400-33 **Reserved**

§ 400-34 **Reserved**

§ 400-35 **Reserved**

§ 400-36 **Reserved**

ARTICLE VIII

OVERLAY DISTRICT REGULATIONS

§ 400-37 Flood Plain Overlay District

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Uxbridge designated as Zone A and AE on the Worcester County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Worcester County FIRM that are wholly or partially within the Town of Uxbridge are panel numbers 25027C1002E, 25027C1004E, 25027C1006E, 25027C1007E, 25027C1008E, 25027C1009E, 25027C1020E, 25027C1026E, 25027C1028E, 25027C1030E, 25027C1036E, 25027C1037E, 25027C1038E and 25027C1039E dated July 4, 2011. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report dated July 4, 2011. The FIRM and FIS report are incorporated herein by reference and are on file with the Assessor's Office and Town Clerk.

Permitted Uses

The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

- 1) Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
- 2) Forestry and nursery uses.
- 3) Outdoor recreational uses, including fishing, boating, play areas, etc.
- 4) Conservation of water, plants, wildlife.
- 5) Wildlife management areas, foot, bicycle, and/or horse paths.
- 6) Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
- 7) Buildings lawfully existing prior to the adoption of these provisions.

BASE FLOOD ELEVATION AND FLOODWAY DATA

1. **Floodway Data.** In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. **Base Flood Elevation Data.** Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

NOTIFICATION OF WATERCOURSE ALTERATION

In a riverine situation, Local Emergency Management Director or his Designee shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- Bordering States
- NFIP State Coordinator

Massachusetts Department of Conservation and Recreation

- NFIP Program Specialist
- Federal Emergency Management Agency, Region I

REFERENCE TO EXISTING REGULATIONS

The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes");
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

OTHER USE REGULATIONS

In Zones AE, along watercourses that have a regulatory floodway designated within the Town of Uxbridge on the Worcester County FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

- 1) All subdivision proposals must be designed to assure that:
 - a) such proposals minimize flood damage;
 - b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - c) adequate drainage is provided to reduce exposure to flood hazard.

§ 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 wellfields, 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.

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.
7. Hospitals, medical institutions, and medical office buildings.(as amended by Town Meeting 11/17/2009 and approved by the AG's Office 4/26/2010)

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, shown on Assessor’s Map 19, Parcels 1629, 1653, 1659, 1686, 2413, 2423, 2426, 2467, 3226, 3231, 3261 and Map 20, Parcels 919, 1749, 2517, 2522, 2524, 2546, 2554, 2582, a portion of parcel labelled “Nicholas Way” on Assessor’s Map 19, 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 2475 being described as follows:

Beginning: at a point on the westerly sideline of Mendon Street at the southeasterly corner of parcel 2413 on Uxbridge Assessor’s Map 19, said point being the southeasterly corner of “Lot 6” as shown on a plan entitled “Definitive Subdivision Plan of ‘Sherlock Heights’, Uxbridge, Massachusetts, prepared for: Karen & Richard Sherlock”, said plan recorded with Worcester Registry of Deeds in Plan Book 816, Plan 24;

Thence: southwesterly by the northerly sideline of Mendon Street by a curve to the right having an arc length of 140.32 feet and a radius of 1160.00 feet to a point on the northerly sideline of Mendon Street;

Thence: S 27°50' 47" E 13.38 feet by the northerly sideline of Mendon Street to a point;

Thence: S 64°16' 06" W 114.56 feet by the northerly sideline of Mendon Street to a point;

Thence: N 19°33' 23" W 297.76 feet to a point

Thence: N 30°25' 33" W 424.09 feet to a point at land now or formerly of the Town of Uxbridge;

Thence: N 68°54' 40" E 586.60 feet by said Town of Uxbridge to a point at land now or formerly of Ronald A. & Patricia A. Willame;

Thence: S 01°16' 39" W 241.22 feet by various owners to an iron pipe at land now or formerly of Timothy J. & Pamela A. Mason;

Thence: continuing S 01°16' 39" W 99.13 feet by said Mason to a stone bound;

Thence: continuing S 01°16' 39" W 382.71 feet partly by said Mason to the northerly sideline of Mendon Street and the Point of Beginning.

Having an area of 276,204 square feet, or 6.34 acres of land, more or less.

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 a 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 (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 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 ten thousand (10,000) square feet of gross floor area or requiring more than twenty-five (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 level 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 (1000) 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 twelve (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.
 - (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.
- 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, 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.

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 fifteen (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 one and one-half (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 twenty-five (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 an 84.5 acre portion of the Residence C District and Agricultural District, more specifically described and shown on the Uxbridge Assessors Map 23, as Parcels 3829, 4435 and 4793. 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 contiguous tracts 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 a way in the Town of Uxbridge;
4. 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 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 in a proportion determined by the Special Permit Granting Authority

M. Exemption from Growth Management 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 Planning Board shall be the Special Permit Granting Authority under this Section. The Planning Board 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 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).

§ 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(s) 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 MTMC 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 MTMC 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

Minimum dimensional requirements are based on total development whether subject development component is located in one or more towns.

2. A one-hundred (100) foot natural buffer is required on numbered routes or highways for development that abuts a route or highway situated in Uxbridge.

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 or towns, 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. LED, 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 (of the town with the largest percentage of building and/or parking) 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.

- b. Environmental impact assessment.

- (1) Purpose. To describe the impacts of the proposed project with respect to on-site and off-site environmental quality.

- (2) Format and scope:

- i. 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.

- ii. Evaluation of the adequacy of existing or proposed systems and services for water supply and disposal of liquid and solid wastes.
 - iii. Description of proposed measures for mitigation of any potential adverse impacts identified above.
- c. Fiscal impact assessment; format and scope.
- (1) Purpose. To describe the impacts of the proposed project with respect to new revenues to the host communities and costs to be borne by the communities.
 - 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:
- (1) Purpose. To describe the impacts of the proposed project with respect to the effect the project will have on the host community(s) character, historic nature and community plans.
 - 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.

§ 400-43 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).

§ 400-44 **Reserved**

§ 400-45 **Reserved**

§ 400-46 **Reserved**

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 applications for special permits as the special permit granting authority, unless otherwise specified herein;
2. 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;
3. to hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of G.L. c. 40A, §§ 8 and 15;
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.

C. Regulations

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

D. Fees

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

§ 400-50 Special Permits

A. Special Permit Granting Authority

Unless specifically designated otherwise, the Board of Appeals shall act as the Special Permit Granting Authority.

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 plans on 24-inch by 36-inch sheets. Plans shall be prepared by a 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 plan 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 requirements, 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.

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 3 years 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.

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 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 living and cooking together on the premises as a single housekeeping unit.

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.

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 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.

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.

Life Science and Life Science Technology: Any of the several branches of science and technology that deal with living organisms and their organization. The use, production, manufacture, or storage of Recombinant DNA is prohibited without first obtaining a PERMIT issued by the Board of Health. (as amended by Town Meeting 11/16/2010))

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.

Manufacturing establishment: Any business the primary function of which is the assembly, fabrication, processing and re-processing of materials, that is not dangerous by reason of fire, explosion, or other hazards, and does not produce excessive dust, odors, gas, smoke, vibration, noise or electromagnetic interference, and which would not be detrimental to the neighborhood or the Town of Uxbridge. Specifically prohibited are: tanneries, wood pulp or paper mills, meat packing, slaughterhouse and/or meat rendering, petroleum and coal product manufacturing, and bituminous asphalt manufacturing, and pet food plants of all which are prohibited in all zones. Any other use specifically referenced under this bylaw shall be governed by those specific sections.

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.

Renewable or Alternative Energy Manufacturing Facilities: Include, but are not limited to, the following: manufacturing of solar panel production, wind turbine, or hydro turbine production, and fuel cell production provided such facilities are free from nuisances as defined in M.G.L. Chapter 111 Section 122, air pollution as defined under 310 CMR 7.00 (Air Pollution Control) and water pollution as defined under 314 CMR (Water Pollution Control)

Renewable or Alternative Energy Research and Development Facilities: Include, but are not limited to, the following: Research & Development Facilities used for research to improve the efficiency of, or reduce pollution from biomass power facilities, research and development intended to enhance geothermal systems, research related to advance battery systems provided such facilities are free from nuisances as defined in M.G.L. Chapter 111 Section 122, air pollution as defined under 310 CMR 7.00 (Air Pollution Control) and water pollution as defined under 314 CMR (Water Pollution Control)

Renewable Energy: Energy generated from natural resources such as sunlight, wind, rain, and geothermal heat, which are considered renewable. Renewable energy is natural, which does not have a limited supply. Renewable energy sources include biomass, hydro, geothermal, solar, tidal wave, and wind.

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.

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.

Solar Photovoltaic Ground Mounted Installation Solar Farm: The use of a parcel of land for production and subsequent sale and/or distribution of electricity by collecting energy produced by the sun in ground mounted structures, which structures have been specifically designed to be used as solar collectors.

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.

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.

Uncodified Zoning By-Law Amendment **Life Science and Life Science Technology**

A. Life Science and Life Science Technology

Life Science and Life Science Technology in the Town of Uxbridge shall be undertaken only in the following zoning districts; Industrial A (I-A) and Industrial B (I-B) and Business zones.

No Institution, as defined by the “Uxbridge Board of Health Life Science and Recombinant DNA” regulations, may employ Life Science and Life Science Technology in the Town of Uxbridge without a permit from the Town of Uxbridge Board of Health. (as amended by Town Meeting 5/11/2010 and approved by the AG’s Office 8/11/2010)

TABLE A
TABLE OF USE REGULATIONS

USE	ZONING DISTRICTS							
	R-A	R-B	R-C	A	B	IA	IB	MTMC
SECTION A. Residential Uses								
Apartment house	Y	N	N	N	N	N	N	N
Conservation Design Development	N	N	N	PB	N	N	N	N
Open Space Development	PB	PB	N	N	N	N	N	N
Single family dwelling	Y	Y	Y	Y	N	N	N	N
Townhouse development	PB	N	N	N	N	N	N	N
Two-family/duplex dwelling	Y	Y	N	N	N	N	N	N
SECTION B. Exempt and Institutional Uses								
Child care facility	Y	Y	Y	Y	Y	Y	Y	Y
Educational use, non-exempt	ZBA	ZBA	ZBA	N	N	N	N	Y
Essential services	Y	Y	Y	Y	Y	Y	Y	Y
Facility for the sale of produce, 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	Y	N
Hospital or other medical institution	ZBA	ZBA	ZBA	N	PB	PB	PB	N
Municipal facility	Y	Y	Y	Y	Y	Y	Y	N
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	Y
Use of land 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	Y	Y	Y	Y	Y	Y	Y	Y
Use of land or structures for religious purposes	Y	Y	Y	Y	Y	Y	Y	Y

USE	ZONING DISTRICTS							
	R-A	R-B	R-C	A	B	IA	IB	MTMC
SECTION C. Agricultural Uses								
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	ZBA	N	ZBA	N	N	N	N
SECTION D. Commercial Uses								
Adult entertainment establishment	N	N	N	N	N	PB	PB	N
Airport or landing field, commercial	N	N	N	N	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	PB	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	Y	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	N	N	N	Y	Y
Marijuana establishment (cultivation, production)	N	N	N	N	N	Y	Y	Y
Medical marijuana treatment center	N	N	N	N	N	N	Y	Y
Nursing or convalescent home; home for the aged	ZBA	ZBA	ZBA	N	N	N	N	Y

	ZONING DISTRICTS							
USE	R-A	R-B	R-C	A	B	IA	IB	MTMC
SECTION D. Commercial Uses continued								
Personal service establishment	N	N	N	N	Y	Y	Y	N
Private club, nonprofit	ZBA	ZBA	N	ZBA	N	N	N	N
Private stable, nonprofit	ZBA	ZBA	ZBA	ZBA	N	N	N	N
Racetrack	N	N	N	N	N	N	N	N
Restaurant; diner	ZBA	N	N	Y	Y	Y	Y	Y
Retail stores and/or services	ZBA	N	N	N	Y	Y	Y	Y
Shopping center	N	N	N	N	Y	Y	Y	Y
SECTION E. Industrial Uses								
Blacksmith shop; farrier	N	N	N	PB	PB	PB	PB	N
Contractor's yard	N	N	N	PB	PB	PB	PB	N
Earth Removal	ZBA	ZBA	ZBA	BI	PB	PB	PB	N
Electrical generating facilities with a capacity of three hundred-fifty (350) megawatts or less on a minimum site are of fifteen (15) acres using natural gas, renewable and ultra-low sulfur fuels, wind.	N	N	N	N	N	PB	PB	PB
Electrical generating facility; cogeneration facility	N	N	N	N	N	N	N	N
Junkyard or automobile graveyard	N	N	N	N	N	N	N	N
Lumber	N	N	N	N	PB	PB	PB	PB
Fuel or ice establishment	N	N	N	N	PB	PB	PB	PB
Manufacture, storage, transportation or disposal of hazardous material	N	N	N	N	N	N	N	N
Manufacturing establishment	N	N	N	N	PB	PB	PB	Y
Renewable or Alternative Energy research and development facilities	N	N	N	N	N	Y	Y	Y
Renewable or Alternative Energy manufacturing facilities	N	N	N	N	PB	Y	Y	Y
Solar Photoactive ground mounted solar farm	N	PB	PB	PB	PB	PB	PB	N
Stone mason yard	N	N	N	N	N	PB	PB	N
Warehouse and/or distribution	N	N	N	N	PB	Y	Y	Y
SECTION F. Other Uses								
Airport or landing field, noncommercial	N	N	N	Y	N	N	N	N
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
Penitentiary	N	N	N	N	N	N	N	N

ZONING DISTRICTS								
USE	R-A	R-B	R-C	A	B	IA	IB	MTMC
<u>Section G. Accessory Uses</u>								
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	N	Y	Y	Y	N
Signs Requiring Special Permits	ZBA	ZBA	ZBA	ZBA	PB	PB	PB	PB
Accessory Dwelling Unit	ZBA	ZBA	ZBA	ZBA	N	N	N	N

Uses allowed as a matter of right in the MTMC District are required to file application materials and undergo review as detailed in Section 400-42, and may also be required to submit to Site Plan Review.

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

Zone	Minimum Lot Size Sq. Ft.	Setbacks Principal Use			Setbacks Detached Garage or Accessory Use			Frontage		Height	
		Front ¹ (feet)	Side (feet)	Rear (feet)	Front ² (feet)	Side (feet)	Rear (feet)	Interior Lot (feet)	Corner Lot (feet)	Maximum Height (feet)	Maximum Number of Stories
R-A	20,000 ³	30	25	30	65	5	5	125	140	35	3.5
R-B	43,560 (1Acre)	30	25	30	65	5	5	185	200	35	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	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	3.5
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	4.5

¹ In the case of a corner lot, the front setback requirement applies on either street.

² See Footnote 1 (above).

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