

*This combined warrant (articles and motions) is a courtesy document.
Motions may change and are not intended to restrict any action.*

**ANNUAL TOWN MEETING WARRANT
TUESDAY, NOVEMBER 21, 2006 – 7:00 P.M.
HIGH SCHOOL GYMNASIUM
62 CAPRON STREET, UXBRIDGE, MASSACHUSETTS**

WORCESTER, S.S.

TO EITHER OF THE CONSTABLES OF THE TOWN, IN SAID COUNTY;

GREETINGS:

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, YOU ARE DIRECTED TO NOTIFY THE INHABITANTS OF THE TOWN OF UXBRIDGE, QUALIFIED TO VOTE IN THE TOWN ELECTIONS AND IN TOWN AFFAIRS, TO MEET AT THE HIGH SCHOOL AUDITORIUM, IN PRECINCT 2, IN SAID UXBRIDGE, ON THE FOLLOWING ARTICLES TO WIT:

*The amount of Free Cash as certified by the DOR Director of Accounts on October 5, 2006 is:
\$1,798,678.00 in the General Fund; \$92,861.00 in the Sewer Enterprise Fund; \$589,136.00 in the Water
Enterprise Fund; and \$153,249.00 in the Ambulance Enterprise Fund.*

ARTICLE 1: REPORTS

To hear the report of any outstanding committee and act thereon.

SPONSOR: Board of Selectmen

Commentary: No reports are anticipated to be presented.

MOTION: [No motion]

RECOMMENDATION OF THE FINANCE COMMITTEE: No recommendation.

VOTE NEEDED: N/A

ARTICLE 2: PRIOR YEAR BILLS

To see if the Town will vote to raise and appropriate, or transfer from available funds such sums as required to pay prior fiscal year's bill(s) for accounts to be specified at the Fall Annual Town Meeting, or take any other action related thereto.

SPONSOR: Board of Selectmen (Town Manager)

Commentary: There are no outstanding prior year bills.

MOTION: [No motion]

RECOMMENDATION OF THE FINANCE COMMITTEE: No recommendation.

VOTE NEEDED: N/A

ARTICLE 3: FY07 BUDGET AMENDMENTS

To see if the Town will vote to transfer from available funds or to raise and appropriate a sum of money to balance certain line item accounts within the FY07 budget approved under Article 7 of the May 9, 2006, Annual Town Meeting, to be specified at the Fall Annual Town Meeting, or take any other action relative thereto.

SPONSOR: Board of Selectmen (Town Manager)

Commentary: Updating the Budget since its passage resulted in an error being found on the revenue sheet that was presented at the Annual Spring Town Meeting. The original revenue sheet showed \$376,276 in school choice receiving tuition. This amount is reserved for direct appropriation by the School Committee, and therefore cannot be shown as a general receipt. Previous budgets showed it as a line item expense in the budget, which was removed in FY 2006. The final Cherry Sheet forecasts \$657,277 in school choice receiving tuition. When that amount is added to the revenue sheet and then subtracted because it is reserved, the budget is out of balance by \$413,438.62. The other budget amendment requests are explained below.

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MOTION: Move that the following Sums be Transferred from Free Cash and appropriated to the following accounts in the FY2007 Budget for the purposes identified below in the divided motions:

AMOUNT	FROM	TO ACCOUNT AND FOR
<i>Motion I: One-time adjustment to balance the FY07 Budget SATM 5/06</i>		
\$413,438.62	Free Cash	Appropriation to balance the base FY 2007 Budget.
\$413,438.62	TOTAL	
<i>Motion II: FY07 Budget Line Items Requiring Supplemental Funding</i>		
(a) \$98,116	Free Cash	Line Item# 304200: Additional appropriation to balance the FY07 School Bus Transportation line item. The School Transportation Contract bid amount was not known prior to the adoption of the FY 07 budget. While an amount was included in the FY07 line item, this is the additional amount needed to fully fund the contract for FY07. It is a three year contract.
(b)\$ 1,000	Free Cash	Line Item # 660200: Celebrations- Appropriation to restore funding that was not included in the FY07 budget for parades, flags, etc. This had been funded in FY06.
(c) \$50,000	Free Cash	Line Item#151200: Additional appropriation for Town Counsel services: Unanticipated litigation costs in the early months of FY07 are billed on an hourly basis and are not covered under the \$3,000 per month general counsel retainer for Town Counsel services. This is an additional amount expected to cover the rest of the fiscal year, based on recent average bills.
(d)\$30,000	Free Cash	[11/14/06] \$30,000 Town Hall Expenses (#192100): Additional appropriation to address anticipated energy cost increases. The FY07 budget included some percentage increases to department line items. The line item was not funded to address the expected to deficient. Additionally, electricity rate increases were not known until 10/30/06 when the consortium of towns awarded the next three year contract – doubled the kwh rate. :
\$179,116.00	TOTAL	
<i>Motion III: FY07 One-time purchases</i>		
(a) \$35,000	Free Cash	Line Item#192100: Town Hall – One-time appropriation to finance the installation of a storage system for Town Hall records retention. Project includes inventorying/cataloging and re-boxing of Town Hall records and installation of shelving racks which may be reused if a future alternate storage site is chosen.
(b)\$ 9,040	Free Cash	Line Item # 155200: Computer- One-time appropriation to fund second year of Vadar Financial Accounting System software purchase. The first year was funded via Finance Committee Reserve Fund transfer after the FY07 budget was adopted. There will only be annual maintenance fees after this funding which will be included in the FY08 budget.
(c)\$32,000	Free Cash	Line Item #300000: School Department – One-time appropriation. The School Department/Police Department received a State grant to purchase security cameras to monitor the outside of various school buildings. This is funding for the required matching funds.
(d)\$ 2,000	Free Cash	Line 001.422.5301.0003 Spill Prevention Account - DEP assessment compliance assurance fee for the Highway Garage – unanticipated current year bill (11/8/06).
\$78,040		
\$670,594.62	TOTAL	

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RECOMMENDATION OF THE FINANCE COMMITTEE: The Finance committee recommends the following actions:

Amount	Reason	Commentary
One-time adjustment to balance the FY07 Budget SATM 5/06		
\$413,438	Budget Adjustment	Favorable action. (7-0). This is an adjustment that must be made to balance the FY07 budget. This addresses an accounting mistake dealing with reimbursed funds for special education
<i>FY07 Budget Line Items Requiring Supplemental Funding</i>		
\$98,116	School Transportation	Favorable action. (7-0). This addresses an increase in cost related to the new school busing contract. The higher cost reflects increases in fuel and maintenance cost.
\$1,000	Celebration Fund	Favorable action. (7-0).
\$0	Town Counsel	The Finance Committee recommends that this fund <u>not</u> be funded. (7-0). The Committee feels that more oversight is necessary to address large overages in the present monthly bills. Additionally, the Committee wishes to better understand the "unexpected litigation" issues from the TM/BOS.
\$30,000	Energy	The Finance Committee recommends that the Town Hall expenses account be funded with an additional \$30K. (6-1). This address a budgeting mistake in the FY07 budget. Additionally, the Committee recommends that Town leadership develop and promote an Energy conservation plan for the community.
<i>One Time Purchases</i>		
\$35,000	Record Storage	Favorable action. (5-2). The Committee also asks Town Management to consider the most desirable location to implement the record storage system to keep our Town records safe.
\$9,040	Vadar Accounting Software	Favorable action. (7-0). This addresses the second installment of a software implementation started in FY06.
\$32,000	Security System	Favorable action. (6-1). A matching grant will provide a total of \$64,000 for security cameras and card access systems.
\$2,000	Spill Prevention Account	Favorable action. (6-1).

Free cash was certified at \$1,798,678. The above requested adjustments/expenditures total \$620,594. The resulting free cash balance based on this article is \$1,178,084.

VOTE NEEDED: Requires simple majority provided none of the money is coming from Stabilization.

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ARTICLE 4: FY07 INTER/INTRA DEPARTMENTAL TRANSFERS

To see if the Town will vote to transfer and appropriate from available funds, including funds previously appropriated to other uses, a sum or sums of money to accounts and for purposes to be specified at the Fall Town Meeting, or take any action relative thereto or thereon.

SPONSOR: Board of Selectmen (Town Manager)

Commentary: The Council on Aging is seeking an interdepartmental transfer because they have transitioned from paying a part time employee for janitorial services to retaining a janitorial service as recruitments for the employee position produced no candidates to hire. This service cannot be paid from a personnel/salaries budget.

MOTION: Move that the Town vote to transfer and appropriate the amounts as stated in the following chart for any purpose for which funds may be expended from the latter accounts, each item being considered a separate appropriation for FY07:

<u>AMOUNT</u>	<u>FROM</u>	<u>TO AND FOR</u>
10,530.00	COA Salaries 541100	COA Expenses 541200

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action. (7-0)

The article is a transfer of funds and does not cost the community any additional money.

VOTE NEEDED: Requires simple majority provided none of the money is coming from Stabilization.

ARTICLE 5: APPROPRIATIONS FOR COLLECTIVE BARGAINING AGREEMENT(S)

To see if the Town will raise and appropriate or transfer from available funds a sum of money to fund salary increases and other cost-items resulting from potential contract settlements with union personnel, or take any other action relative thereto.

SPONSOR: Board of Selectmen (Town Manager)

MOTION:

Motion #1: [Pending] I move that the town vote to transfer and to appropriate the sum of \$_____ from Free Cash to the miscellaneous to the miscellaneous FY07 salary and expense accounts, the allocation of amounts to be transferred to each such account to be determined by the Town Accountant, for the purpose of funding the cost items implementing the terms of a collective bargaining agreement with a term beginning July 1, 2005 and expiring June 30, 2006, between the Town and Local 123 of the MA Coalition of Police, AFL-CIO, as exclusive bargaining representative of the bargaining unit.

Motion #2: [Pending] I move that the town vote to transfer and to appropriate the sum of \$_____ from Free Cash; \$_____ from the Sewer Enterprise Fund Retained Earnings; \$_____ from the Water Enterprise Fund Retained Earnings to the FY07 miscellaneous salary and expense accounts, the allocation of amounts to be transferred to each such account to be determined by the Town Accountant, for the purpose of funding the cost items implementing the terms of a collective bargaining agreement with a term beginning July 1, 2006 and expiring June 30, 2009, between the Town and the American Federation of State, County, and Municipal Employees (AFSCME), AFL-CIO, Local 1709 Council 93 as exclusive bargaining representative of the DPW bargaining unit

RECOMMENDATION OF THE FINANCE COMMITTEE: The Finance Committee voted to delay recommendation on this article until the Town Meeting. (7-0). Final negotiations are in progress and requested funding is not known before the publishing deadline for the warrant.

VOTE NEEDED: Requires simple majority provided none of the money is coming from Stabilization.

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ARTICLE 6: TRANSFER TO FUTURE WELLFIELD ACCOUNT

To see if the Town will vote to transfer from the Water Division enterprise fund or retained earnings to Account # 650.450.5302.5.0011 Future Well Field Account the sum of \$165,000 for permitting and design of the future "Rosenfeld" well field or take any other action relating thereto.

SPONSOR: Board of Selectmen (DPW Superintendent)

Commentary: The DPW has been planning to increase the water supply as per the Water Master Plan for approx 7 years and was successful in purchasing land know as the Rosenfeld gravel pit for future water use. We have been approved by the DEP and are now going for a Water Management Act permit along with other various needed permits. Design needs to take place concurrently in order to accomplish our anticipated construction and online date of 2008.

MOTION: Move that the Town transfer and appropriate the sum of \$165,000 from Water Enterprise Retained Earnings to the Future Well Field Account #650.450.5302.5.0011 for the purpose of permitting and design of the future "Rosenfeld" well field.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action. (7-0)

This article is part of the DPW master plan for waters services. The article is a transfer of funds and does not cost the community any additional money.

VOTE NEEDED: Requires simple majority.

ARTICLE 7: TRANSFER TO WATER DIVISION CAPITAL OUTLAY ACCOUNT

To see if the Town will vote to transfer from the Water Division enterprise fund or retained earnings to Account # 650.450.5302.5.0004 Capital Outlay Account the sum of \$29,000 for the purpose of conducting a DEP required water audit and conservation plan and further to allow the DPW to accept any available grants for said purpose or take any other action relating thereto.

SPONSOR: Board of Selectmen (DPW Superintendent)

Commentary: In order to secure additional water supplies, DEP requires up to date water audits and conservation plans in order to insure proper management and use of our assets. This project also increases our ratings and eligibility for the Commonwealth Capital Program which is required to obtain competitive grants in the State.

MOTION: Move that the Town transfer and appropriate the sum of \$29,000 From Water Enterprise Retained Earnings to Account # 650.450.5302.5.0004 Capital Outlay Account the sum of \$29,000 for the purpose of conducting a DEP required water audit and conservation plan and further to allow the DPW to accept any available grants for said purpose.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action. (7-0)

This article is part of the DPW master plan for waters services. The article is a transfer of funds and does not cost the community any additional money. Approval of this article also allows the DPW to apply for additional water protection grant funds for the community.

VOTE NEEDED: Requires simple majority.

ARTICLE 8: TRANSFER TO STORMWATER PHASE II ACCOUNT

To see it the Town will raise and appropriate or transfer from available funds the sum of \$11,000 to the Storm Water Phase II Account # 001.422.5302.2.0004 for the for the purpose of implementing the EPA mandated program or take any other action relating thereto.

SPONSOR: Board of Selectmen (DPW Superintendent)

Commentary: The Town's EPA approved Storm Water Phase II Management Program requires the Town to test discharges to the waterways for illicit use. The town has over 2000 drainage structures and over 130 discharges. We will partner with the Blackstone River Coalition to reduce costs as much as possible.

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MOTION: Move that the town vote to transfer and appropriate \$11,000.00 from Free Cash to the Stormwater Phase II Account #001.422.5302.2.0004.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action. (7-0)

This articles supports the Town's EPA approved Storm Waters Phase II Management program which requires a testing program for Waters discharge. The source of funds for this article is \$11,000 from free cash.

VOTE NEEDED: Requires simple majority provided none of the money is coming from Stabilization.

ARTICLE 9: CAPITAL IMPROVEMENT PROGRAM/PROJECTS

To see if the Town will vote to raise and appropriate or transfer and appropriate from available funds, including funds previously appropriated to other uses, a sum or sums of money to accounts and for capital projects to be specified at the Fall Annual Town Meeting, or take any action relative thereto or thereon.

SPONSOR: Board of Selectmen (Town Manager)

Commentary: The Town Manager recently appointed the members of the Capital Committee in accordance with the new bylaw that was ratified at the May 9, 2006, Annual Town Meeting. The Committee will review capital requests and will recommend a comprehensive capital plan to the Town Manager - who will seek a method to secure funding for the plan. A questionnaire submitted to Town Departments for the September 30, 2006, budget preview yielded preliminary municipal capital requests of \$21,970,035 over five years with School Department capital pending. It is anticipated that the planning will take place in coming months, with a report to be issued by the January 30, 2007 submission date as provided per the Town Charter.

MOTION: [No motion]

RECOMMENDATION OF THE FINANCE COMMITTEE: No recommendation on this article. The specific actions were not finalized at the time of these recommendations. Therefore the Finance Committee can not provide a recommendation before the publishing deadline for the warrant.

VOTE NEEDED: Requires simple majority provided none of the money is coming from Stabilization.

ARTICLE 10: BLANCHARD BUILDING RE-USE FUNDS DESIGNATION

To see if the Town will vote to transfer the funds or any remaining funds appropriated under Article 11 of the November 15, 2005 Fall Annual Town Meeting relating to the appropriation of funds designated for the Blanchard School Reuse Schematic Design and appropriate such funds to a new account to be utilized as state grant-matching funds for the rehabilitation of the Blanchard School building, or take any action relative thereto.

SPONSOR: Board of Selectmen (Town Manager)

Commentary: In June of 2006, the Town received a State grant for a feasibility study for the Blanchard Building re-use. Those grant funds had to be designated specifically for the feasibility study by June 30, 2006, which duplicated the previous appropriation. The Town is required to match the grant funds for the re-use project within three years of the grant award.

MOTION: Move that the Town vote to transfer and appropriate \$40,000 from the Blanchard School Reuse Design Account #001-198-5301-0001-000 as previously funded in November 15, 2005, to the Blanchard School Rehabilitation Account #001-198-5301-0002-000.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action. (7-0)

The article is a transfer of funds and does not cost the community any additional money. The Blanchard Committee is presently working with an architect completing a feasibility study on future use of the building. This article transfers the Towns portion of the matching funds from the feasibility study grant into an account specifically for the rehabilitation of the building.

VOTE NEEDED: Requires simple majority.

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ARTICLE 11: ACCEPTANCE OF MGL CHAPTER 32 B, SECTION 18 – MEDICARE HEALTH BENEFITS FOR TOWN RETIREES

To see if the Town will vote to accept section 18 of MGL chapter 32B providing that all retirees, their spouses, and dependents who are enrolled in Medicare part A at no cost to the retiree, their spouses, and dependents or eligible coverage thereunder at no cost to retirees, their spouses, and dependents be required to enroll in a Medicare health benefits supplement plan offered by the Town, or take any action relative thereto.

SPONSOR: Board of Selectmen (Town Manager)

Commentary: Acceptance of Section 18 will require all Medicare eligible Town & School retirees to migrate from the Town's active health benefit plans to the Town's Medicare supplement plans. While the majority of retirees are on the Medicare supplement plans, a small number of retirees are commingled within the Town's active plans. This adversely affects the Town's claims experience which is a component of the rate setting process. The Medicare supplement plans offer comparable benefits, depending on the retiree's choice of plan, and offer nationwide access. Retirees will not lose the ability to be insured and the Town's contribution will remain the same with the Town paying 80% of retiree's health insurance premium, plus any Medicare penalty charge. The benefits offered are comparable to the existing active plans. This part of a strategy to identify cost savings to the Town and all insurance subscribers and to mitigate future increases. For further explanation, please see: <http://www.mass.gov/legis/laws/mgl/32b-18.htm>]

MOTION: [No motion 11/13/06 – It was decided to postpone this article in an effort to continue to working with the Selectmen and IAC to present a comprehensive health insurance proposal at a future Town Meeting.]

RECOMMENDATION OF THE FINANCE COMMITTEE: No recommendation.

VOTE NEEDED: Requires simple majority.

ARTICLE 12: ACCEPTANCE OF MGL CH. 60, SEC. 23B RELATING TO FEES FOR CERTIFICATES OF LIENS

To see if the Town will vote to accept Section 23b of MGL 60 providing that the collector of taxes shall furnish a certificate of liens according to the following fee schedule: for land of less than one acre upon which there is no permanent structure, a fee of twenty-five dollars; for land upon which is situated no more than a single family residence and outbuildings, a fee of twenty-five dollars; for land upon which is situated no more than a two family residence and outbuildings, a fee of twenty-five dollars; for land upon which is situated no more than a three family residence with outbuildings, a fee of twenty-five dollars; for land upon which is situated a residence for four or more families, a fee of one hundred dollars; for land upon which is situated a commercial, industrial or public utility structure, a fee of one hundred and fifty dollars; for farms, forest land and all other real property, a fee of fifty dollars. In no case shall the fee exceed one half of one per cent of the assessed value of the real estate and the money so received shall be paid into the town treasury, or take any other action relative thereto.

SPONSOR: Board of Selectmen (Town Manager)

Commentary: Acceptance of this statute would adjust the cost of certain municipal lien certificates as stated above. All other properties would remain at the current charge of \$25.00. For further explanation, please see: <http://www.mass.gov/legis/laws/mgl/60-23b.htm>

MOTION: Move that the Town vote to accept Massachusetts General Laws Chapter 60, Section 23B

RECOMMENDATION OF THE FINANCE COMMITTEE: Unfavorable action. (5-2)

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According to the Finance Director, the cost and time of furnishing the certificate of liens is the same for all types of properties. The Committee believes that fees should reflect the actual cost of providing the Town service.

VOTE NEEDED: Requires simple majority.

ARTICLE 13: ACCEPTANCE OF SECTION 5L OF MGL CHAPTER 59 TO SUSPEND PAYMENT OF REAL PROPERTY TAXES DUE BY A MEMBER OF THE NATIONAL GUARD OR RESERVES WHILE ON ACTIVE DUTY

To see if the Town will vote to accept the local option statute, MA General Law Chapter 59 Section 5L, that gives National guardspersons and reservists deployed outside Massachusetts, or their dependents, up to 180 days after that service to pay their property taxes without interest or penalties or take any other action relative thereto.

SPONSOR: Board of Selectmen (Town Manager)

Commentary: This is a local option, which has little to no financial impact upon the Town, other than the suspension of possible interest charges. For further explanation, please see: <http://www.mass.gov/legis/laws/mgl/59-5l.htm>

MOTION: Move that the Town vote to accept Massachusetts General Laws Chapter 59, Section 5L

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action. (7-0)

The Committee supports this effort to support those who defend our country.

VOTE NEEDED: Requires simple majority.

ARTICLE 14: NON-CRIMINAL DISPOSITION

To see if the Town will vote to adopt the following bylaw as, or take any action relative thereto:

NON-CRIMINAL DISPOSITION

Any bylaw of the Town of Uxbridge, or rule or regulation of its officers, boards or departments, the violation of which is subject to a specific penalty, may in the discretion of the Town official who is the appropriate enforcing person, be enforced in the method provided in Section 21D of Chapter 40 of the Massachusetts General Laws. The non-criminal fine for each such violation, if not otherwise specified, shall be an amount to be determined not to exceed one hundred dollars.

“Enforcing person” as used in this bylaw, shall mean: any Town of Uxbridge police officer with respect to any offense; as well as the Building Inspector and his designee, the members of the Conservation Commission and its designee, the members of the Board of Health, its Health Agent or other designee, the Sealer of Weights and Measures and his designee, and such other officials as the Board of Selectmen may from time to time designate, each with respect to violation of bylaws and rules and regulations within their respective jurisdictions. If more than one official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto.

SPONSOR: Board of Selectmen (Town Manager and Misc. Departments)

Commentary: Non-criminal disposition is a simplified method for the collection of fines for violations of local by-laws and regulations. Without non-criminal disposition, the only way to collect a fine is to file an application for criminal complaint in the district court, and the fine does not become payable until the violator is found guilty. This is a lengthy process that does not always yield predictable results. With non-criminal disposition, the enforcement officer may issue a violation notice in the form of a ticket, and the fine is automatically payable, unless the violator requests a hearing before a clerk magistrate of the district court. Thus, non-criminal disposition allows the matter to be resolved without involving the courts and places on obligation on the violator to properly enter an appeal if they wish to contest the fine.

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M.G.L. c. 41, s. 21D requires that the Town specify “such specific sum of money not exceeding three hundred dollars as the town shall fix as penalty for violation of the ordinance, by-law, rule or regulation.” Each by-law or regulation subject to enforcement through non-criminal disposition will set forth the specific penalty for violations thereof. If a particular by-law or regulation does not specify the penalty for violation, under the non-criminal disposition by-law, the default penalty will be that of MGL. The enforcing authority will retain the discretion to issue warnings or pursue other avenues of enforcement in lieu of a fine.

MOTION: (11/17/06) Move to delete the sentence, “The non-criminal fine for each such violation, if not otherwise specified, shall be an amount to be determined not to exceed one hundred dollars,” and then accept the article as printed.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action. (4-2)

This article allows designated Town enforcement officers collect fines via non-criminal disposition. This should speed up fine collection, save town employees considerable time and does not put a criminal disposition record on the violator. Those against favorable action were concerned with the notification procedures and whether there was a procedure more community friendly.

VOTE NEEDED: Requires simple majority.

ARTICLE 15: WEST STREET PROPERTY DISPOSITION

To see if the Town will vote to rescind Article 13 of the Fall Annual Town Meeting held on November 15, 2005 providing for the transfer of care, custody and control of the parcel of land described below from the Treasurer/Collector to the Board of Selectmen for the purpose of leasing and authorizing the Board of Selectmen to enter into a long-term lease (up to 99 years) of said parcel of town-owned land, upon such terms and conditions as the Board of Selectmen shall determine to be appropriate, for annual charges as shall be determined by the Board of Selectmen, said parcel being described as follows: The land located at Rear, West Street and shown as Assessors Map 38, Lot 1845, containing 15.5 acres, more or less.

SPONSOR: Board of Selectmen (Town Manager)

Commentary: The intent was to rescind the vote of 11/05 and transfer the control back to the Treasurer to dispose of the property for sale at auction. The former property owner has since come forward, seeking to pay the outstanding tax balances to redeem his property. Our tax title legal council has seen a potential issue with the foreclosure, and recommends that the resident be allowed to redeem the property. The Board of Selectmen already has control of this property, but Counsel recommends that the vote of 11/05 be rescinded.

MOTION: [11/9/06] Move that the Town vote to rescind its vote under Article 13 of the Fall Annual Town Meeting held on November 15, 2005, which authorized the transfer of care, custody and control of the parcel of land described below from the Treasurer/Collector to the Board of Selectmen for the purpose of leasing, and authorized the Board of Selectmen to enter into a long-term lease (up to 99 years) of said parcel of town-owned land, upon such terms and conditions as the Board of Selectmen shall determine to be appropriate, for annual charges as shall be determined by the Board of Selectmen, said parcel being described as follows: The land located at Rear, West Street and shown as Assessors Map 38, Lot 1845, containing 15.5 acres, more or less.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action. (6-0)

This action was recommended by Town Counsel. The article returns control of property to Treasurer Collector allowing for disposition of property to the owners who came forward and for collection of back taxes.

VOTE NEEDED: Requires 2/3 per c.40 §15A

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ARTICLE 16: ACCEPTANCE OF LAND DONATION

To see if the Town will vote to authorize the Board of Selectmen to accept a donation of land from Red Truck LLC, on East Harford Avenue, referred to as “Lot 2” on the Site Plan for Red Truck LLC, dated Oct. 28, 2003 and recorded with the Worcester District Registry of Deeds in Plan Book 801 Plan 97, and shown on Assessors map 12A parcel # 1394 consisting of 2.22 acres (96,859 square feet), or take any other action related thereto.

SPONSOR: Board of Selectmen (Town Manager)

Commentary: The action is for Town Meeting to authorize the Board of Selectmen to accept the property if it is in the best interest of the Town. The property in question includes the head works for canal #1 (dam and gate) for the Crown and Eagle Apartments and Strathmoreshire Condominiums and is bounded on the East side by the Mumford River retaining wall. That raises concerns, but the property is already in tax title, and will likely be foreclosed upon at significant cost at some future point in time if Town Meeting chooses not to accept the donation. The land is unbuildable but quite scenic that offers future recreation potential.

MOTION: Move that the Town authorize the Board of Selectmen accept the donation of 2.22 acres of land referred to as “Lot 2” on the Site Plan for Red Truck LLC, dated October 28, 2003 and recorded with the Worcester District Registry of Deeds in Plan Book 801 Plan 97, and shown on Assessors map 12A Parcel #1394, if found in the best interest of the Town.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action. (6-1)

This article allows the BOS to entertain the acceptance of the land. This property is already in tax title and may cost the Town additional funds to foreclose in the future. Although picturesque, the land does contain a dam and some retaining walls. The Committee recommends the BOS investigate these issues and discusses possible enhancements of the property by the owners, before acceptance of the land.

VOTE NEEDED: Requires simple majority.

ARTICLE 17: STREET ACCEPTANCES

To see if the Town will vote to accept as public ways the streets known as Cotton Mill Way, Crownshield Avenue, Spinning Wheel Drive, Serenity Drive, Church Street, Lake Street, Big Rock Road, Southwoods Drive and Arnold Way, plans available for viewing in the Board of Selectmen meeting room Monday thru Friday 8:00 AM – 4:00 PM, pursuant to GLc.41 §81Y, and further to authorize the Board of Selectmen to accept utilities and easements in the road and any other necessary easements, or take any other action relating thereto.

SPONSOR: Board of Selectmen (Town Manager)

Commentary: Each street acceptance will require a separate recommendation and motion.

MOTION:

- A. Move that Cotton Mill Way is to be accepted in its entirety referencing a plan entitled “Layout Plan of Cotton Mill Way, by Guerriere & Halnon, Inc., dated October 4, 2001, stamped by Frank R. Pirrello, Jr. on 8/17/2006”;
- B. Move that Crownshield Avenue is to be accepted from station 0+00 to station 29+98.64, referencing a plan entitled “Layout Plan of Crownshield Avenue’ by Guerriere & Halnon, Inc., dated October 4, 2001, stamped by Frank R. Pirrello, Jr. on 8/17/2006”;
- C. Move that Spinning Wheel Drive is to be accepted in its entirety referencing a plan entitled “Layout Plan of Spinning Wheel Drive by Guerriere & Halnon, Inc., dated December 8, 1998, stamped by Frank R. Pirrello, Jr. on 8/17/2006”;
- D. Move that Serenity Drive is to be accepted in its entirety referencing a plan entitled “Peaceful Hollow Road Acceptance Plan of Serenity Drive by Andrews Survey & Engineering, Inc., dated June 01, 2005, stamped by John R. Andrews, III”;

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- E. Move that Church Street is to be accepted from station 0+00 to station 9+96.35, referencing a plan entitled “Canterbury Hills Road Acceptance Plan of Church Street & Lake Street, dated April 12, 2006, by Andrews Survey & Engineering, Inc., stamped by John R. Andrews III on 11/1/06”;
- F. Move that Lake Street is to be accepted from station 9+96.35 to station 21+98.76, referencing a plan entitled “Canterbury Hills Road Acceptance Plan of Church Street & Lake Street, dated April 12, 2006, by Andrews Survey & Engineering, Inc., stamped by John R. Andrews III on 11/1/06”;
- G. Move that Southwoods Drive is to be accepted in its entirety referencing a plan entitled “Roadway Acceptance Plan for Southwoods Estates by Yerka Engineering LLC, dated May 3, 2006, stamped by David G. Greenhalgh on 9/11/06”;
- H. Move that Arnold Way is to be accepted in its entirety referencing a plan entitled “Roadway Acceptance Plan for Southwoods Estates by Yerka Engineering LLC, dated May 3, 2006, stamped by David G. Greenhalgh on 9/11/06”; and
- I. Big Rock Road - No motion [no motion - at the request of the applicant.]

RECOMMENDATION OF THE PLANNING BOARD:

RECOMMENDATION OF THE FINANCE COMMITTEE:

- A: Cotton Mill Way Favorable action. (5-1)
- B: Crownshield Avenue Favorable action. (5-1)
- C: Spinning Wheel Drive Unfavorable action. (4-2-1)
- D: Serenity Drive Favorable action. (5-1)
- E: Church Street Favorable action. (5-1)
- F: Lake Street Favorable action. (5-1)
- G: Southwoods Drive Favorable action. (5-1)
- H: Arnold Way Favorable action. (5-1)
- I: Big Rock Road No recommendation.

VOTE NEEDED: Requires a majority if the streets are shown on a subdivision plan approved by the Planning Board; otherwise, 2/3.

ARTICLE 18: ACCEPTANCE OF MGL CH. 40, SEC. 4A – RELATING TO INTER-MUNICIPAL AGREEMENTS FOR THE BOARD OF HEALTH

To see if the Town will vote, in accordance with MA G.L. c. 40, section 40A [*note – should read 4A*], authorize the Board of Health to enter into a inter-municipal agreement with one or more other governmental units to provide public health services which the Board of Health is authorized to perform, in accordance with an Inter-Municipal Mutual Aid Agreement to be entered into between the Town and various governmental units, or take any other action relative thereto.

For further explanation, please see: <http://www.mass.gov/legis/laws/mgl/40-4a.htm>

SPONSOR: Board of Health

MOTION: Move to authorize the Board of Selectmen to authorize the Board of Health to enter into a inter-municipal agreement pursuant to the provisions of chapter 40, section 4A of the Massachusetts General Laws to provide public health services which the Board of Health is authorized to perform, in accordance with an Inter-Municipal Mutual Aid Agreement to be entered into between the Town and various governmental units.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action. (6-0)

Article will allow the BOH to enter into Inter-Municipal Mutual Aid Agreement providing better services to the community and potentially saving money over time.

VOTE NEEDED: Requires simple majority.

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ARTICLE 19: REGIONALIZATION OF ANIMAL CONTROL SERVICES – INTER-MUNICIPAL AGREEMENTS

To see if the Town will vote to authorize the Board of Selectmen to enter into inter-municipal agreements, in accordance with the provisions of chapter 40, section 4A of the Massachusetts General Laws, for animal control services, said agreements to be on such terms and conditions as the Board of Selectmen deems to be reasonable, appropriate and in the best interest of the Town, or take any action relative thereto.

SPONSOR: Board of Selectmen (Town Manager)

Commentary: For further explanation, please see: <http://www.mass.gov/legis/laws/mgl/40-4a.htm>. The Town has had discussions with the Towns of Mendon and Douglas for shared services. The current Uxbridge Animal Control Officer will serve as the primary officer.

MOTION: Move to authorize the Board of Selectmen to enter into inter-municipal agreements, pursuant to the provisions of chapter 40, section 4A of the Massachusetts General Laws, for animal control services, said agreements to be on such terms and conditions as the Board of Selectmen deems to be reasonable, appropriate and in the best interest of the Town

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action. (6-0)

Article will allow the BOS to enter into Animal Control Inter-Municipal Mutual Agreement providing better services to the community and potentially saving money over time.

VOTE NEEDED: Requires simple majority.

ARTICLE 20: ACCEPTANCE OF MGL CH. 39, SEC. 23D – RELATING TO ADJUDICATORY HEARINGS

To see if the Town will vote to accept, for the Planning Board and the Zoning Board of Appeals, the provisions of G.L. c.39, §23D, which provide that a member of a board, committee, or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member's absence from one session of such hearing, provided that certain conditions are met, or take any other action relative thereto.

SPONSOR: Board of Selectmen (Town Manager)

Commentary: New law which allows a Planning Board and Zoning Board member to miss one adjudicatory hearing, provided that the member in question shall examine an audio, video or written transcript of the hearing and the member shall provide a written certification that s/he has examined such evidence. At this point the Board of Selectmen and Conservation Commission Chairman noted that this article did not need to be expanded to the respective entities. For further explanation, please see: <http://www.mass.gov/legis/laws/mgl/39-23d.htm>

MOTION: Move to accept, for the Planning Board and the Zoning Board of Appeals, the provisions of G.L. c.39, §23D, which provides that a member of a board, committee, or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member's absence from one session of such hearing, provided that certain conditions are met.

RECOMMENDATION OF THE PLANNING BOARD:

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action. (5-1)

The committee believes this article will afford a smoother process for those coming before the Planning Board and Zoning Board of Appeals and decrease possible hearing delays.

VOTE NEEDED: Requires simple majority.

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ARTICLE 21: ZONING BYLAW AMENDMENT– RELATING TO ZONING ENFORCEMENT

To see if the Town will vote to amend Section XIII A ENFORCEMENT of the Zoning Bylaw by substituting the words “by the Building Inspector” for the words “by the Board of Selectmen” in the first sentence.

SPONSOR: Board of Selectmen (Town Manager)

Commentary: With the amendment, the Building Inspector will serve as the Zoning Enforcement Officer. This will provide for immediate action to initiate a notification of a violation and issue a citation if compliance is not met. Many towns have staff level zoning enforcement officers.

MOTION: Move to amend Section XIII A ENFORCEMENT of the Zoning Bylaw by substituting the words “by the Building Inspector” for the words “by the Board of Selectmen” in the first sentence.

RECOMMENDATION OF THE PLANNING BOARD:

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action. (5-1)

This article reflects actions taking by the BOS to make the Building Inspector the Zoning Enforcement Officer.

VOTE NEEDED: Requires a 2/3 vote and a Planning Board report.

ARTICLE 22: ZONING BYLAW AMENDMENT – NEW SUBSECTION FOR PERMITTED USES

To see if the Town will vote to amend the Town of Uxbridge Zoning Bylaws by (a) adding the following new subsection 5 to the list of permitted uses under Section VII. D. Business:

5. Shopping center consisting of a group of two or more of the uses listed above in subsections 1 through 4, which are located in one or more buildings on a single lot, and which are developed and managed under a common plan for the premises.

And (b) renumbering the existing subsections 5, 6 and 7 in Section VII.D to 6, 7 and 8 respectively; or to take any other action relative thereto.

SPONSOR: Board of Selectmen (Town Manager)

Commentary: This amendment will provide for a developer of individual retail uses on one lot to be considered as a total package incorporating mixed retail uses.

MOTION: Move to accept Article 22 as printed.

RECOMMENDATION OF THE PLANNING BOARD:

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action. (4-2)

VOTE NEEDED: Requires a 2/3 vote and a Planning Board report.

ARTICLE 23: ACCEPTANCE OF MGL CHAPTER 43D – RELATING TO EXPEDITED PERMITTING PROCESS FOR COMMERCIAL PROJECTS

To see if the Town will vote to accept the provisions of chapter 43D of the MA General Laws as amended pursuant to Section 11 of chapter 205 of the acts of 2006, or take any other action in relation thereto.

For further explanation, please see: <http://www.mass.gov/legis/laws/seslaw06/sl060205.htm> and the attached hand-out available with the warrant that describes the benefits of this program including technical assistance grant funds and additional points for other State grants.

SPONSOR: Board of Selectmen (Town Manager)

MOTION: Move that the Town vote to accept the provisions of M.G.L. Chapter 43D, titled Expedited Permitting, as an overlay for land at 515 Douglas Street, Assessor’s Map 0023, Parcel 3545, and 0 Hazel Street, Assessors Map 0022, Parcel 3283.

RECOMMENDATION OF THE PLANNING BOARD:

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RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action. (4-2)

This article affords the BOS the ability to consider accept this law and expedite the permitting process and make the community more competitive in bringing business to the Town. Additional funds are available to assist the community with increasing the efficiency of the process. Those against favorable action felt the committees involved might not be able to handle the expedited process and the Town had a limited appeals process.

VOTE NEEDED: Requires a 2/3 vote and a Planning Board report.

ARTICLE 24: ZONING BYLAW AMENDMENT - TOWNHOUSE DEVELOPMENT

To see if the Town will vote to amend Section VII.A of the Uxbridge Zoning By-laws by adding the following new subsection 13 to authorize special permits for Townhouse Developments in the Residence A District:

13. 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.

b. Minimum Lot Size

A Townhouse Development may be permitted on a single tract of land which:

- i. conforms to the definition of "Lot" contained in Section III of these By-laws;
- ii. has an area of at least 600,000 square feet;
- iii. meets the contiguous buildable lot area requirement contained in Section X.H of these By-laws; and
- iv. has a minimum of one-hundred and twenty-five (125) of frontage on an existing public way.

The provisions of Section X.A shall not apply to Townhouse Developments permitted under this Section.

c. Maximum Density of Development

- i. 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.
- ii. 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

- i. No building shall be closer than twenty-five (25) feet to any other building in the Development.

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- ii. 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.
- iii. 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

- i. 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.
- ii. 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.
- iii. 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

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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.

Or take any other action relative thereto.

SPONSOR: Board of Selectmen (Town Manager) and Planning Board

Commentary: *This action was initiated to validate the Carrington Landing project in which townhomes have been built and occupied.*

MOTION: Move that the article above be accepted with the following clarification to “a. Purpose and Intent,” to add the underlined language for the section to read:

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.

RECOMMENDATION OF THE PLANNING BOARD:

RECOMMENDATION OF THE FINANCE COMMITTEE: Unfavorable action. (6-0)

This article addresses a zoning issue with a development in Town where potentially 50 households are affected. Although the committee recommends unfavorable action on this article they hope Town officials work to develop a plan to resolve this issue.

VOTE NEEDED: Requires a 2/3 vote and a Planning Board report.

ARTICLE 25: ZONING BYLAW AMENDMENT - HISTORIC MILL ADAPTIVE REUSE OVERLAY DISTRICT (BERNAT MILL COMPLEX)

To see if the Town will vote to amend the Uxbridge Zoning By-laws by adding the following new subsection to authorize the adoption of a new Historic Mill Adaptive Reuse Overlay District Bylaw for the Bernat Mill Complex that reads as follows:

Historic Mill Adaptive Reuse Overlay District

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 Uxbridge Historic Mill Adaptive Reuse Overlay District (the “Overlay District”) are:

- 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;
- To allow for the conversion of Uxbridge’s historic mills in a way that preserves the character of nearby residential and commercial neighborhoods; and
- 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.

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Overlay District.

The Uxbridge Historic 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 Article modify, amend, or supersede such underlying requirements or provide an alternative to such requirements.

Location.

The site known as the Bernat Mill Complex and its adjacent properties

Permitted Uses.

All uses permitted in the underlying zoning districts are permitted uses in the Overlay District;

A. The following additional uses shall be permitted in the Overlay District 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.

Special Permit Required.

Adaptive reuse of a historic mill property within the Overlay District may be conducted upon the issuance of a special permit with site plan approval under this section. In addition, the special permit requirement of § VIII. A. shall apply where applicable.

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 Overlay District.

Application.

A. 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.

B. 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.

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C. Submission requirements.

- (1) 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.
- (2) A site plan shall include all of the data, details and supporting information as follows:
 - (a) The name of the project, boundaries and locus maps showing the site's location in town, date, North arrow and scale of the plan.
 - (b) Names and addresses of the owner of record, the developer and the seal of the engineer, architect or landscape architect.
 - (c) Names and addresses of all owners of record of abutting parcels and those within 300 feet of the property line.
 - (d) 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.
 - (e) 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.
 - (f) 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.
 - (g) 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.
 - (h) The location, height, size, materials and design of all proposed signage.
 - (i) 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.
 - (j) 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.
 - (k) 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.
 - (l) 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.
 - (m) Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on site and within 100 feet of the site.
 - (n) 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.

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- (o) 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.
- (p) 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:
 - [1] Traffic impact assessment.
 - [a] 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.
 - [b] 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 (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.
 - [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 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.
 - [2] Environmental impact assessment.
 - [a] Purpose. To describe the impacts of the proposed project with respect to on-site and off-site environmental quality.
 - [b] 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

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adverse impacts identified above.

- [3] Fiscal impact assessment; format and scope.
 - [a] Projections of cost arising from increased demands on public services and infrastructure.
 - [b] Projections of the impacts from increased tax revenue, employment (construction and permanent), and value of the public infrastructure to be provided.
 - [c] Projections of the impacts of the proposed development on the values of adjoining properties.
 - [d] Five-year projections of increased town revenues and costs resulting from the proposed development.

- [4] Community impact assessment; format and scope:
 - [a] 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.
 - [b] Identification of impacts on significant historical properties, districts or areas or archaeological resources (if any) in the vicinity of the proposed development.
 - [c] Evaluation of the proposed project's consistency of compatibility with existing local and regional plans.

(q) 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.

(3) 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.

D. 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.

- (1) 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.
- (2) Traffic. Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
- (3) 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.
- (4) Town services. Reasonable demands placed on town services and infrastructure.
- (5) 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.
- (6) 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

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runoff, etc.

- (7) 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.
- (8) 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.
- (9) 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.

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:

A. 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.

B. 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.

C. 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.

D. 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.

Action by the Planning Board.

The Planning Board 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:

- A. The proposed adaptive reuse constitutes an appropriate redevelopment; and
- B. The proposed conversion does not cause substantial detriment to the neighborhood or town after considering the traffic, environmental, fiscal, and community impact assessments.

Growth Bylaw

The Historic Mill Adaptive Bylaw shall be exempt from the Town of Uxbridge Growth By as adopted at the Annual Town Meeting (Spring 2004) or any other bylaws that control rate of development. For the purpose of this bylaw, building permits will be limited to 25 per year.

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Motions may change and are not intended to restrict any action.*

Area Regulations

The Historic Mill Adaptive Bylaw shall be exempt from the Town of Uxbridge Zoning Bylaw, Section X Area Regulations a., LOT SIZES, AND FRONTAGES.

TABLE OF DIMENSIONS

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.

Or take any action relative thereto.

SPONSOR: Planning Board

MOTION: I move that the article be accepted as printed, with an amendment to the section relating to “Location. The site known as the Bernat Mill Complex and its adjacent properties” to read, “Location. The site known as the Bernat Mill Complex, Map 25, Parcel 157”, and deleting the phrase “and its adjacent properties.”

RECOMMENDATION OF THE PLANNING BOARD:

RECOMMENDATION OF THE FINANCE COMMITTEE: Unfavorable Action. (4-2-1)

At the publishing deadline of this document it was still unclear whether the existing Historic Mill Adaptive use bylaw would cover this article.

VOTE NEEDED: Requires a 2/3 vote and a Planning Board report.

ARTICLE 26: RENUMBERING/REVISION OF TOWN ZONING BYLAWS -CODIFICATION

To see if the Town will vote to accept the numbering and revision of the Zoning Bylaws of the Town from their original numbering to the numbering or codification, arrangement, sequence and captions and the comprehensive revisions to the text of the Zoning Bylaws as set forth in the New Final Draft of the Code of the Town dated September 2006, said codification of the Zoning Bylaws having been done under the direction of the Board of Selectmen and the Bylaw Review Committee, and said Code being a compilation and comprehensive revisions to the present Zoning Bylaws of the Town of Uxbridge. All Zoning Bylaws as amended, heretofore in force and not included in this Code shall be repealed, except for those adopted and or amended after the effective date of this re-codification contract, and except that such repeal shall not affect any suit or proceeding pending as the result of an existing law, nor Zoning Map changes previously enacted. These bylaws shall be referred to as “Division 2, Zoning Bylaws”. A copy of the proposed New Final Draft is available for view in the Offices of the Board of Selectmen, the Town Clerk and the Town Manager. Or take any other action in relation thereto.

SPONSOR: Bylaw Review Committee

MOTION: [No motion at the request of the Bylaw Review Committee]

RECOMMENDATION OF THE FINANCE COMMITTEE: No recommendation

VOTE NEEDED: Requires a 2/3 vote and a Planning Board report.

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ARTICLE 27: RENUMBERING/REVISION OF TOWN BYLAWS - CODIFICATION

To see if the Town will vote to accept the numbering and revision of the various General Bylaws of the Town from their original numbering to the numbering or codification, arrangement, sequence and captions and the comprehensive revisions to the text of the General Bylaws as set forth in the New Final Draft of the Code of the Town of Uxbridge dated September 2006, said codification having been done under the direction of the Board of Selectmen and the Bylaw Review Committee, and said Code being a compilation and comprehensive revisions to the present bylaws of the Town of Uxbridge. All bylaws of a general and permanent nature, as amended, heretofore in force and not included in this Code shall be repealed, except for those adopted and or amended after the effective date of this re-codification contract, and except that such repeal shall not affect any suit or proceeding pending as the result of an existing law, and such repeal shall not apply to or affect any personnel bylaw or any bylaw, order or article heretofore adopted accepting or adopting the provisions or any statute of the Commonwealth of Massachusetts. These bylaws shall be referred to as "Division 1, General Bylaws". A copy of the proposed New Final Draft is available for vies in the Offices of the Board of Selectmen, the Town Clerk and the Town Manager. Or take any other action in relation thereto.

SPONSOR: Bylaw Review Committee

MOTION: [No motion at the request of the Bylaw Review Committee]

RECOMMENDATION OF THE FINANCE COMMITTEE: No recommendation

VOTE NEEDED: Requires a 2/3 vote and a Planning Board report.

ARTICLE 28: AMENDMENT TO GENERAL BYLAWS – ADDRESS TYPOGRAPHICAL ERROR

To see if the Town will vote to amend General Bylaw 32 by deleting "Section II" and inserting in place thereof "Section III". Or take any action relative thereto.

SPONSOR: Board of Selectmen

Commentary: Article 22, Spring Annual Town Meeting(5/06), passed but had a typographical error: II was printed rather than III. By Law 32 defines the word SHALL in the General By Laws.

MOTION: Move to amend General Bylaw 32 by deleting "Section II" and inserting in place thereof "Section III".

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action. (6-0)

VOTE NEEDED: Requires a 2/3 vote.

ARTICLE 29: CHARTER AMENDMENT FOR LIBRARY TRUSTEES

To see if the Town will vote to amend the Home Rule Charter as follows: Change Article 3 Section 6: Board of Library Trustees (a) Composition, Term of Office: change "five" to "six", remove "as nearly" and remove "as possible". Or take any action relative thereto.

SPONSOR: Board of Library Trustees

MOTION: Move to amend the Home Rule Charter as follows: Change Article 3 Section 6: Board of Library Trustees (a) Composition, Term of Office: change "five" to "six", remove "as nearly" and remove "as possible", and further schedule this matter as a ballot question for the first Town election following approval of the article by the Attorney General's Office.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action. (7-0)

The committee supports this article which reinstates the initial intent during the incorporation of the trust as well as MGL Chapter 78, Section 10, Libraries.

VOTE NEEDED: Requires a 2/3 vote.

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ARTICLE 30: TRANSFER TO STABILIZATION

To see if the Town will vote to transfer and appropriate a sum or sums, including so called Free Cash to the Stabilization Fund Account, or take any action relative thereto.

SPONSOR: Board of Selectmen (Town Manager)

MOTION: Move to transfer any remaining available funds from Free Cash to Stabilization.

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action. (6-0)

The committee supports moving all remaining free cash funds to the stabilization fund.

VOTE NEEDED: Requires a 2/3 vote to transfer to Stabilization per c.40 §5B.

Attachment: Article 23 Fact Sheet

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* * * * *

*And you are directed to serve this warrant by posting up attested copies thereof, one at the Town Hall, one at the Uxbridge Post Office, one at the North Uxbridge Post Office and one at the Linwood Post Office, at least fourteen (14) days before the time of holding said meeting.
Hereof, fail not and make due return of this warrant, with your doings thereon, to the Town Clerk at the time of the meeting aforesaid.*

Given under our hands this 10th day of October, in the year 2006.

Uxbridge Board of Selectmen:

Julie A. Woods, Chairman

Arthur O. DuBois, Vice Chairman

Daniel P. Stack, Clerk

James F. Dwyer, Selectman

Kevin Kuros, Selectman

A True Copy - Attest:

Constable, Town of Uxbridge

Date

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Fall Annual Town Meeting: November 21, 2006
Article 23
EXPEDITED PERMITTING QUESTIONS AND ANSWERS

WHAT IS A PRIORITY DEVELOPMENT SITE?

A priority development site is a privately or publicly owned property that is:

1. commercially or industrially zoned;
2. eligible under applicable zoning provisions, including special permits or other discretionary permits, for the development or redevelopment of a building with at least 50,000 square feet of gross floor area in a new or existing building or structure; and
3. designated as a priority development site by the Interagency Board.

Several parcels or projects may be included within a single priority development site.

WHAT ABOUT SMART GROWTH?

The State encourages priority development sites to be located in areas that are near existing transit services, adjacent to existing development, or in underutilized buildings or facilities.

WHAT IS THE GOVERNING BODY IN OUR TOWN?

In Uxbridge, the governing body pursuant to the terms of this statutory scheme is the Board of Selectmen (BOS).

WHAT IS THE INTERAGENCY PERMITTING BOARD?

The Interagency Board is a State board that is established to review and approve or deny municipal priority site development proposals and which also grants and administers technical assistance grants.

WHAT ARE THE "ISSUING AUTHORITIES" IN UXBRIDGE AFFECTED BY THIS LAW?

The Issuing Authorities are the Department of Public Works (DPW), the Conservation Commission, the Planning Board, the Zoning Board of Appeals (ZBA) and all other boards, departments, or agencies that are involved with land use development.

WHAT PERMITS ARE AFFECTED BY THIS LAW?

Permits affected include Orders of Conditions issued by the Conservation Commission, Special Permits issued by the ZBA, permits issued by the Fire Department and Board of Health, and Site Plan Reviews issued by the Planning Board.

Building permits issued by the building inspector, ANR plan approval, and subdivisions under the subdivision control law are not affected by this statute.

HOW IS THE LAW ACCEPTED BY A MUNICIPALITY?

This law is a local option acceptance which means that in order for the law to become effective in Uxbridge, it has to be accepted by the Town at an Annual or Special Town Meeting.

HOW IS A PARCEL DESIGNATED AS A PRIORITY DEVELOPMENT SITE?

The parcel must be designated as a priority development site by the Town at an Annual or Special Town Meeting. The BOS must then file a proposal with the Interagency Board which shall include:

1. a detailed description of the property;
2. good faith commitment to comply with the Expedited Permitting Law;
3. written authorization of the property owner; and
4. at the discretion of the governing body, a request for a Technical Assistance Grant.

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WHAT IS A TECHNICAL ASSISTANCE GRANT?

A Technical Assistance Grant shall be used to implement the requirements of the Expedited Permitting Law, which shall include but not be limited to, professional staffing assistance, local government reorganization, and consulting services. The amount of any single grant awarded from the fund, shall not exceed \$150,000.

WHAT HAPPENS AFTER THE APPLICATION IS MADE TO THE BOARD?

The Interagency Board must review and determine eligibility of the proposals and approve requests within 60 days of receipt of the proposals from the Town.

WHAT MUST THE TOWN DO AFTER TOWN MEETING ADOPTS THIS LAW?

Within 120 days, the BOS must implement the following:

1. appoint a single point of contact to serve as the primary municipal liaison for all issues relating to the expedited permitting law;
2. amend rules and regulations on permit issuance to conform to the Expedited Permitting Law;
3. along with the issuing authorities (Planning Board, ZBA, Conservation Commission), collect and ensure the availability of all governing statutes, local ordinances, by-laws, regulations, procedures, and protocols pertaining to each permit;
4. establish a procedure whereby they shall determine all permits, reviews, and pre-development reviews required for a project; all required scoping sessions, public comment periods, and public hearings; and all additional specific applications and supplemental information required for review, including, where applicable, the identification of potential conflicts of jurisdiction or substantive standards with abutting municipalities and a procedure for notifying the applicant; and
5. establish a procedure, following the notification of the required submissions for review as set forth in clause #4 above, for determining if all the materials required for the review of the project have been completed.

WHAT HAPPENS AFTER THE BOS RECEIVES APPROVAL OF THE SITE FROM THE STATE?

The permitting begins and must be completed within 180 days of submission to the Town. Extensions may apply. All permits are heard and worked on concurrently during the 180-day period.

WHAT ARE THE FEES INVOLVED FOR THIS LAW?

The BOS may establish additional fees to the developer for overseeing/administering the expedited permitting process. This fee is in addition to fees already charged by the Conservation Commission, the ZBA, and the Planning Board.

WHAT EXTENSIONS MAY BE GRANTED?

1. The 180-day time period may be waived or extended for good cause upon written request of the applicant with the consent of the BOS, or upon written request of the issuing authority (Planning Board, ZBA, Conservation Commission) with the consent of the applicant. This is the same standard that the ZBA, the Conservation Commission, and the Planning Board currently work on with applicants.
2. The 180-day period may be extended for up to 30 days by the BOS in the event an additional permit or other pre-development review is required
3. The 180-day time period shall be extended when the issuing authority determines either:
 - a. that action by another federal, state or municipal government agency is required before the issuing authority may act;
 - b. that judicial proceedings affect the ability of the issuing authority or applicant to proceed with the application; or
 - c. that enforcement proceedings that could result in revocation of an existing permit for that facility or activity and denial of the application have been commenced.

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CAN THE PLANNING BOARD, ZBA, OR CONSERVATION COMMISSION USE LACK OF TIME TO REVIEW AS A REASON FOR DENIAL?

An issuing authority (Planning Board, ZBA, and Conservation Commission) may not use lack of time for review as a basis for denial of a permit if the applicant has provided a complete application and met all other obligations in accordance with the expedited permitting law.

WHEN CAN AN APPEAL BEGIN?

Appeals from issuing authority decisions (Planning Board, ZBA, and Conservation Commission) or from a grant by operation of law shall be filed within 20 days after the last individual permitting decision has been rendered or within 20 days after the conclusion of the 180-day period, whichever is later. The 180-day period shall be increased by the number of days in any extension granted.

WHERE ARE APPEALS HEARD? WHEN ARE THEY DECIDED UPON?

Appellants may appeal to the Division of Administrative Law Appeals (DALA) for a streamlined decision. All appeals are consolidated for hearing and a decision must be rendered within 90 days of receipt of the appeal. After that period, an aggrieved party may bring an appeal to Land Court by bringing an action within 20 days of the decision of the DALA. Appeals under Chapter 131 and Chapter 30A will not change. Because of the recent amendment to MGL Ch185 S.3A governing permit appeals, these decisions will go to Land Court (in lieu of Superior Court). The appellant has the choice of going to DALA first or Land Court directly. Appellants may also appeal directly to land court if that is their preference.

ARE THE PERMITS ISSUED TRANSFERABLE? WHEN ARE THEY EXERCISED?

The permits are not automatically transferable unless the Planning Board, ZBA, or Conservation Commission allow the transfer without the necessity of their approval. Permits issued pursuant to this law shall expire in 5 years from the date of applicable appeal period for the permit.

Where permits cover multiple buildings, commencement and continuation of construction of one building shall preserve the permit validity.

WHAT OTHER BENEFITS APPLY TO THE TOWN?

A priority development site shall make the Town eligible for the following:

1. priority consideration for community development action grants and public works economic development grants;
2. priority consideration for other State resources such as quasi-public financing and training programs;
3. brownfields remediation assistance;
4. enhanced marketing by the Massachusetts Office of Business Development and the Massachusetts Alliance for Economic Development; and
5. technical assistance provided by the Regional Planning Council.

WHAT ABOUT THE MEPA PROCESS?

Any required reviews established under sections 61 to 62H, inclusive, of chapter 30 or sections 26 to 27C, inclusive, of chapter 9 shall conclude within 120 days of a state determination of completeness of required review materials, as established by the Executive Office of Environmental Affairs in consultation with the Secretary of State. The regulations note that the MEPA review is concurrent with the 180-day municipal review process. It is anticipated that the MEPA filing will be initiated in the 180 days, but may not be completed as the MEPA review is not abbreviated.

DOES THIS LAW REQUIRE THE ZBA, THE CONSERVATION COMMISSION, OR THE PLANNING BOARD TO CHANGE THEIR STANDARDS OF REVIEW?

No. Nothing in the Expedited Permitting Law alters the substantive jurisdictional authority of the ZBA, the Planning Board, the Conservation Commission, or any other board or department.