

**2015 FALL TOWN MEETING MINUTES
TUESDAY, NOVEMBER 10, 2015 – 7:00 P.M.
UXBRIDGE HIGH SCHOOL AUDITORIUM
300 QUAKER HIGHWAY, UXBRIDGE, MASSACHUSETTS**

Pursuant to the foregoing Warrant, the inhabitants of the Town of Uxbridge, qualified to vote in the Town elections and in Town affairs, met at the High School Auditorium, in Precinct 3, in said Uxbridge, and transacted the following business on November 10, 2015:

Moderator Charles E. Maharay called the Fall Annual Town Meeting to order at 7:02pm, declaring the presence of a quorum (50 required, 163 voters present). Rules for conducting business and taking votes of the meeting were announced.

* * *

As certified by the Department of Revenue in accordance with MGL Chapter 59, §23, as amended, the amount of funds or "Free Cash" as of July 1, 2015 for the Town of Uxbridge is:

<i>General Fund</i>	<i>\$1,230,182</i>
<i>Water Enterprise Fund</i>	<i>\$2,582,877</i>
<i>Sewer Enterprise Fund</i>	<i>\$1,940,116</i>
<i>Ambulance Enterprise Fund</i>	<i>\$197,674</i>

ARTICLE 1: REPORTS

Sponsor: Board of Selectmen

To hear the report of any outstanding committee and act thereon.
Or take any other action relating thereto.

No Reports were given.

ARTICLE 2: TRANSFER OF FREE CASH TO THE PEG CABLE ACCESS ACCOUNT

To see if the Town will vote to transfer and appropriate a sum or sums, including so called Free Cash to the Cable Access Account.

Or take any action relating thereto.

SPONSOR: Town Manager

Commentary: This article serves to transfer the portion of FY 2015 Free Cash that is related to the amount in the Cable Access Account that was closed to surplus revenue at the end of the fiscal year. This is the final annual transfer that will be made, as the Town voted to lawfully establish a Cable PEG access enterprise fund at the Spring Annual Town Meeting. Passage of this transfer will leave a balance of \$982,217 in Free Cash.

MOTION: *Move that the Town vote to transfer and appropriate the sum of \$247,965 from Free Cash (100.000.3590) to the Community PEG Access Enterprise Account (660.675.4790).*

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action (5-0-0) Standard transfer done annually to comply with MGL. This will be the last year that this transfer is required.

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable Action (5-0-0)

VOTE NEEDED: Requires a simple majority vote

The motion is seconded

Moderator declares a unanimous vote, motion carries

ARTICLE 3: TRANSFER TO STABILIZATION

To see if the Town will vote to transfer and appropriate a sum or sums, including Free Cash to the Stabilization Fund Account.

Or take any action relating thereto.

SPONSOR: Town Manager

Commentary: This article serves to transfer the balance of FY 2015 Free Cash (Less the sum listed in Article 1) to the Stabilization Fund. This transfer will increase the stabilization balance to \$3,897,816. Stabilization Fund monies may be appropriated for any lawful purpose via 2/3rd's vote at any town meeting

MOTION: *Move that the Town vote to transfer and appropriate the sum of \$982,217 from Free Cash (100.000.3590) to the Stabilization Fund (250.000.4790.812).*

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action (5-0-0) Standard annual transfer done in accordance with the Town's Financial Policy.

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable Action (5-0-0)

VOTE NEEDED: Requires a 2/3rd's vote to transfer to/from Stabilization MGL Ch.40 § 5B

The motion is seconded

Moderator declares a unanimous vote, motion carries

ARTICLE 4: FY16 BUDGET AMENDMENTS

To see if the Town will vote to transfer from available funds, including Free Cash, stabilization and enterprise retained earnings, and to appropriate, or to raise and appropriate, or to approve budget reductions, in order to balance the FY 2016 Town Budget approved under Article 4 of the May 12, 2015 Spring Annual Town Meeting.

Or take any other action relating thereto.

SPONSOR: Town Manager

Commentary. There are no changes to the budget via additional raise and appropriation in taxations ergo this article may be passed over.

MOTION: *Passover*

RECOMMENDATION OF THE FINANCE COMMITTEE: Passover

RECOMMENDATION OF THE BOARD OF SELECTMEN: Passover

VOTE NEEDED: Requires a simple majority vote, unless funds are being transferred to or from Stabilization. A transfer to/from the Stabilization Fund requires a 2/3rd's vote per MGL Ch. 40, §5B

No Motion, No Action

ARTICLE 5: FY16 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 or Free Cash, Stabilization Fund and enterprise fund retained earnings, or to raise a sum or sums of money to appropriate to accounts and for purposes to be specified at the Special Town Meeting.

Or take any action relating thereto.

SPONSOR: Town Manager

GENERAL COMMENTARY: *The purpose of this article is to transfer funds within department budgets or from one department to another. Per MGL, transfers between individual municipal budgets require Town Meeting action.*

Transfer A1 - *Reflects the 2% salary increase for the Town Manager as voted by the Board of Selectmen at its 5/26/15 meeting*

Transfer A2 - *Request to fund a stipend for an employee to produce and publish the Town Report annually. This work is outside the scope of work of the Finance Department, which is why it is being listed as a stipend position. Pervasively, this work was done by an outside contractor.*

Transfer A3 - *Request to fund the Assistant Town Accountant salary at the "D" level of the SIEU union contract, to more adequately reflect her current duties in the Accounting Office.*

Transfer A4 - *Request to fund the payout of accrued vacation time.*

Transfer A5 - *Request from Overlay Surplus to fund the next revaluation period, commencing in FY2017*

Transfer A6 - *Request to fund the increase in the salary of the Veterans' agent as agreed to by Douglas, Northbridge, Sutton, and Uxbridge, the four towns that make up the regional district.*

Transfer A7 - *Request to fund repairs to the slate roofing tiles on the library turret. Painting of the interior stairwell will be done after the roof is repaired.*

Transfer A8 & A9 - *Seeking funding from two budgets to fund repairs to the handicap ramp outside of Town Hall, the surface of which is marred by chips and cracks, making it hazardous to use. The funds would be used to resurface the ramp.*

Transfer A10 - *The Town's engineering consultant, GHD, Inc. is developing a proposal for a full design associated with the Wastewater Treatment facility upgrades and a second Value Engineering process. Value Engineering (VE) is a specialized cost control technique performed by an independent group of experienced professionals. The Value Engineering effort provides a project designer with an additional source of engineering, construction, and operations expertise to enhance the projects design and operability. Our goal would be to keep the design effort proceeding. The requested transfer is anticipated to move the final design effort to approximately the 60% design stage so the project could go through a second VE review. If the transfer is approved, the funds will allow for the work to progress on the project and allow the DPW to maintain compliance with the Consent Order and the NPDES Permit.*

Table A Trans	Source of Funding	Available Appropriation	Use of Funding	Amount of New Appropriation
1	Town Manager Expenses	\$ 10,951	Town Manager Salaries	\$ 2,369
2	Town Manager Expenses	\$ 10,951	Finance Salaries	\$ 2,632
3	Finance Expenses	\$ 13,941	Finance Salaries	\$ 6,910
4	Workers Comp. Insurance	\$ 105,041	Inspectional Services Salaries	\$ 6,382
5	Overlay Surplus	\$ 84,989	Triennial Revaluation	\$ 84,989
6	Veterans' Services Expense	\$ 110,096	Veterans' Services Salaries	\$ 6,261
7	Library Salaries	\$ 170,586	Capital; Library Roof	\$ 12,000
8	Property/Liability Insurance	\$ 55,095	Capital; Town Hall Handicap Ramp	\$ 5,385
9	Town Clerk Salaries	\$ 69,272	Capital; Town Hall Handicap Ramp	\$ 2,115
10	Wastewater Retained Earnings	\$ 1,940,116	WWTP Full Design	\$ 800,000
Table A Total Reallocated Appropriations				\$ 929,043

MOTION 1: *Move that transfer requests A1 through A10, as shown in Table A, be accepted as written.*

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action (4-1-0) Transfer requests A1, A2, A3, A4, A6 are needed to make needed salary adjustments. Transfer request A5 is needed to fund our next revaluation period. Transfer requests A7, A8, and A9 fund needed repairs to the Library roof and the handicap ramp at Town Hall. Transfer requests A10, B2 and B3 are for DPW, costing out the final value for EPA mandated upgrades to the wastewater treatment plant, removing road waste accumulation piles, and replacing aging DPW fleet vehicles. The computer system upgrades requested by the Police Department in Transfer request B1 are long overdue. However, the Finance Committee would prefer if competitive quotes were obtained rather than always working with a single vendor. The new fingerprinting system will be of great assistance to the Police Department.

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable Action (5-0-0)

VOTE NEEDED: Transfer requests A1-A10 require a simple majority vote. Transfer requests B1-B3 seek funding from the Stabilization Fund, and as such require a 2/3rd vote per MGL Ch. 40, §5B

The motion is seconded

Moderator declares a unanimous vote, motion carries

Transfer B1 - Automated Fingerprint Identification System (AFIS), biometric identification (ID) methodology that uses digital imaging technology to obtain, store, and analyze fingerprint data. The system would assist the Police Department in the prompt and timely identification of finger and hand prints discovered at crime scenes, as well as the confirmation of the identity of individuals taken into custody (\$26,000). The Police Department IT systems are in need of full replacement, including upgrading Active Directory, the Domain Controller, the file server, the IMC Server, the IMC switch, and adding a DNS backup server. The servers are long past their useful life, coupled with the mandatory software upgrades, are causing performance issues that put the system's overall

integrity at risk. This item has long been on the capital priority list for the Police Department, and at this stage needs to be addressed.

Transfer B2 - For many years, street sweepings and other winter debris have been stored at and behind the DPW garage on Hecla Street. The sweepings accumulated, and were not disposed of annually due to budgetary concerns. This transfer request seeks funding to remove and dispose of all accumulated sweepings. It is anticipated that funding to dispose of future sweepings annually will be included in the budget for FY17 forward.

Transfer B3 - The transfer is requested to fund the purchase of new vehicles to replace existing vehicles within the Highway fleet that are no longer safe to operate. The transfer would fund two 2016 F-450's at \$71,450, and one 2016 F-350 at \$47,645. They will assist with general DPW duties year round, and an important portion of our snow removal operations in the winter.

The balance in the stabilization account will be \$3,558,671 if the transactions requested in Table B are approved.

Table B Trans	Source of Funding	Available Appropriation	Use of Funding	Amount of New Appropriation
1	Stabilizatiton*	\$ 3,897,816	Capital; Police Technology	\$ 58,600
2	Stabilizatiton*	\$ 3,897,816	Capital; Winter Debris Removal	\$ 100,000
3	Stabilizatiton*	\$ 3,897,816	Capital; DPW Equipment	\$ 190,545
Table B	Total Appropriations			\$ 349,145

MOTION 2: *Move that transfer requests B1 through B3 as shown in Table B, be accepted as written.*

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action (4-1-0) Transfer requests A1, A2, A3, A4, A6 are needed to make needed salary adjustments. Transfer request A5 is needed to fund our next revaluation period. Transfer requests A7, A8, and A9 fund needed repairs to the Library roof and the handicap ramp at Town Hall. Transfer requests A10, B2 and B3 are for DPW, costing out the final value for EPA mandated upgrades to the wastewater treatment plant, removing road waste accumulation piles, and replacing aging DPW fleet vehicles. The computer system upgrades requested by the Police Department in Transfer request B1 are long overdue. However, the Finance Committee would prefer if competitive quotes were obtained rather than always working with a single vendor. The new fingerprinting system will be of great assistance to the Police Department.

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable Action (5-0-0)

VOTE NEEDED: Transfer requests A1-A10 require a simple majority vote. Transfer requests B1-B3 seek funding from the Stabilization Fund, and as such require a 2/3rd vote per MGL Ch. 40, §5B

The motion is seconded

Moderator declares a unanimous vote, motion carries

Motion to take Article 15 Out of Order, This requires a simple majority vote.

Moderator Declares a Simple Majority, Motion Passes

The business of Article 15 was taken up next.

ARTICLE 15: CITIZEN'S PETITION - AMEND THE ZONING BYLAWS, CHAPTER 400

ARTICLE VII, SECTION 400-32 RETREAT LOTS

To see if the Town will vote to amend Chapter 400 ARTICLE VII Special Residential Regulations of the ZONING BYLAWS by inserting the following language in the currently reserved section 400-32 to be titled RETREAT LOTS:

§ 400-32 Retreat Lots

A. 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. Such lot shall be entirely within residential zoning district R-A, R-B, R-C, or the Agriculture Zone.
- B. Such lot shall have a minimum street frontage of 30 feet and a width of not less than 30 feet at all points between the street and the nearest part of the principal building.
- C. The area of such lot shall be at least 1.5 times the minimum area otherwise required.
- D. Such lot shall otherwise be in compliance with all other requirements of the Zoning Bylaws applicable to the zoning district in which such lot is located.
- E. Such lot shall not have contiguous frontage with any other lot owned by the same individual, group of individuals, or other common entity that has been granted a building permit pursuant to this section.
- F. No building permit shall be issued pursuant to this section unless such lot is situated on a public way/private way in the Town of Uxbridge.
- G. Any dwelling constructed on such lot shall be a single-family home.
- H. Once a retreat lot with reduced frontage is approved by the Planning Board, it cannot be subsequently divided into further lots.

B. Site Plan Review

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

C. Permitted by Special Permit

The Planning Board shall serve as the permitting authority for issuance of special permits for retreat lots. The Planning Board may grant a special permit with site plan approval, with conditions and limitations, as deemed necessary.

Or take any other action related thereto.

SPONSOR: Citizen's Petition

MOTION: Move that the article be accepted as written.

RECOMMENDATION OF THE FINANCE COMMITTEE: Unfavorable Action (4-1-0) The Committee believes that more discussion and review of this proposed insertion is necessary.

RECOMMENDATION OF THE BOARD OF SELECTMEN: Unfavorable Action (5-0-0)

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

VOTE NEEDED: Requires a 2/3rds vote per MGL Ch40A §5.

The motion is seconded

During open debate, A motion was made to amend the article as follows:

To see if the Town will vote to amend Chapter 400 ARTICLE VII Special Residential Regulations of the ZONING BYLAWS by inserting the following language in the currently reserved section 400-32 to be titled RETREAT LOTS:

§ 400-32 Retreat Lots

A. 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 have contiguous frontage 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.**

B. Site Plan Review

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

C. Permitted by Special Permit

The Planning Board shall serve as the permitting authority for issuance of special permits for retreat lots. The Planning Board may grant a special permit with site plan approval, with conditions and limitations as deemed necessary

Or take any other action related thereto

Motion to amend is seconded and requires a simple majority. The Moderator declares the motion to amend passes.

Amended Motion voted upon

Moderator declares a 2/3rds majority vote, motion carries

Motion to take Article 14 Out of Order, This requires a simple majority vote.

Moderator Declares a Simple Majority, Motion Passes

The business of Article 14 was taken up next.

ARTICLE 14: CITIZEN'S PETITION: AMENDMENT TO THE UXBRIDGE GENERAL BYLAWS BY DELETING CHAPTER 218: UXBRIDGE HISTORIC DISTRICT

To see if the Town will vote to delete Chapter 218 from the Uxbridge General Bylaws. Chapter 218 governs the definition/enforcement of the Uxbridge Historic District. This measure would eliminate the Uxbridge Historic District.

SPONSOR: Citizen's Petition

MOTION: *Move that the article be accepted as written.*

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action (3-2-0) The Committee believes that the Historic District Commission regulations are a burden to property owners within the district and offers no tangible benefit.

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable Action (5-0-0)

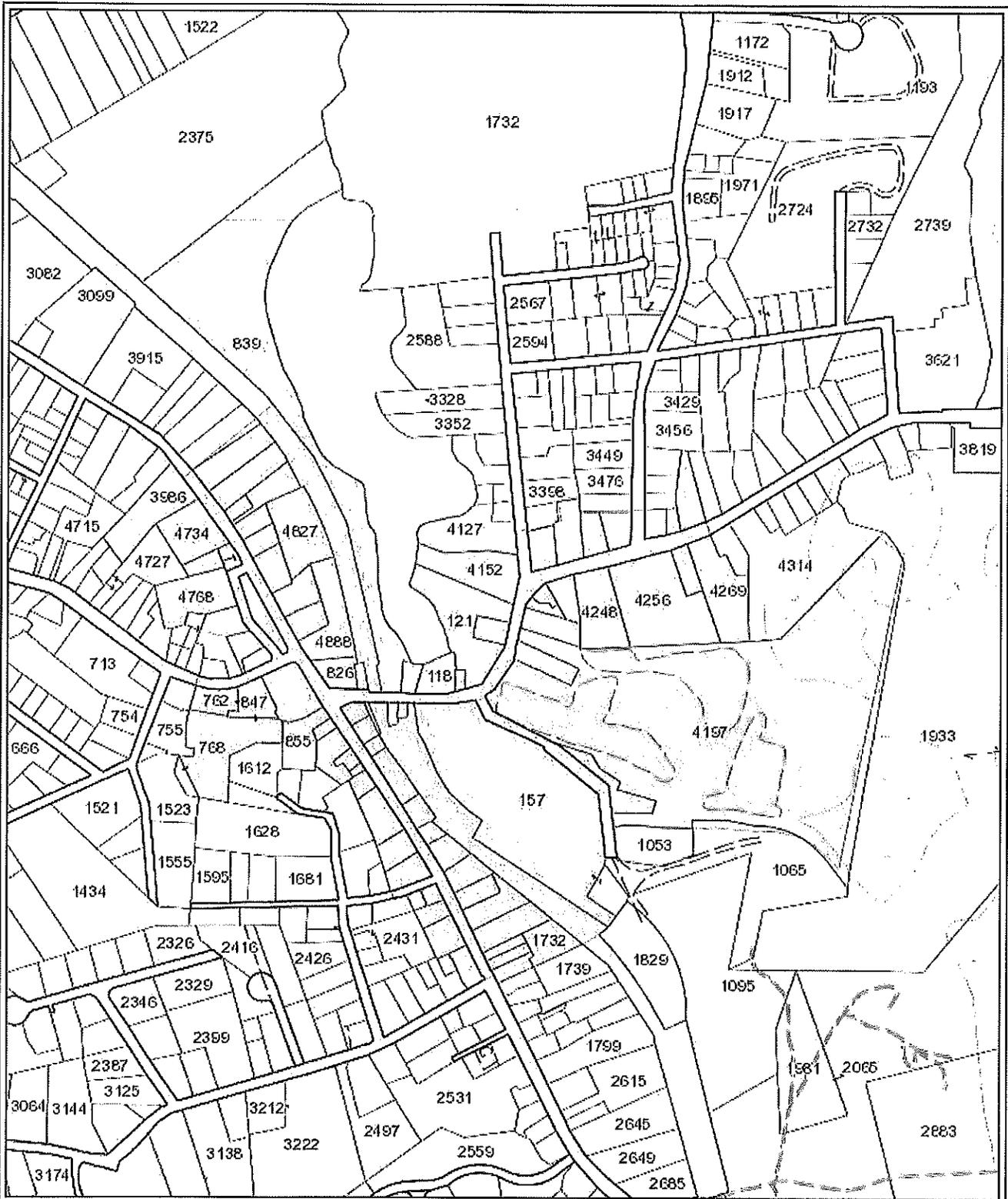
RECOMMENDATION OF THE HISTORIC DISTRICT COMMISSION: Unfavorable Action (5-0-0)

VOTE NEEDED: Requires a 2/3rds vote per MGL Ch.40C §3

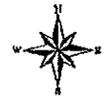
The motion is seconded

Moderator called for a standing count, 124 Voters took part, In favor 28, Opposed 96.

Moderator declares motion fails.

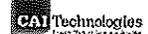


Historic District
 Uxbridge, MA
 1 Inch = 555 Feet
 November 05, 2015



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ARTICLE 6: PAYMENT IN LIEU OF TAX AGREEMENT – 189 MENDON STREET

To see if the Town will vote to authorize the Town Manager subject to acceptance by the Board of Selectmen, to negotiate a PILOT agreement pursuant to G.L. C. 59, §38H, and regulations promulgated thereunder, with respect to annual payments in lieu of real and/or personal property taxes over a 25 year period relative to a 10 acre +/- parcel of land located at 189 Mendon Street, Uxbridge; said PILOT agreement is based upon the proposed construction and operation of a solar photovoltaic power plant with an expected nameplate capacity of approximately .99 megawatts AC/1.3 megawatts DC (estimated), the starting year of said PILOT to be negotiated.

Or take any other action relating thereto.

SPONSOR: Town Manager

Commentary: Passage of this article would give the Town Manager, pursuant to approval by the Board of Selectmen, the authority to negotiate a payment in lieu of tax, or “PILOT” agreement for equipment related to the installation of a solar field on the property listed in the article. This authority is in no way tied to conditions associated with, or the general approval of the installation of the field, as that is the purview of the Planning Board.

***Note: The picture shown depicts the incorrect parcel, the correct parcel is on the opposite side of the street.*

MOTION: *Move that the article be accepted as written.*

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action (5-0-0) The article will increase the value of the property, as this agreement is for land that has little value and limited use.

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable Action (5-0-0)

VOTE NEEDED: Requires a majority vote.



The motion is seconded

Moderator declares a simple majority vote, motion carries

ARTICLE 7: DISPOSITION/LEASE OF TOWN OWNED PROPERTY – 21 S. MAIN STREET – CELL TOWER LEASE

To see if the Town will vote to approve the disposition of a portion of the town-owned property, located at 21 S. Main Street, Uxbridge Ma, encompassing about 2300 square feet +/-, by leasing and authorizing the replacement of an existing ground mounted cell tower, for a period of 20 years, said installation to be subject to the acceptance of an annual lease payment agreement and other terms as negotiated by the Town Manager; through acceptance of this article, the Town authorizes the Town Manager to negotiate any agreements pursuant to an affirmative vote of the Board of Selectmen and furthermore the Town authorizes the Town Manager to execute any and all instruments as may be necessary, subject to a favorable vote by the Board of Selectmen;

Or take any other action related thereto.

SPONSOR: Town Manager

Commentary: The Town has been approached by a developer who wishes to install a cell tower in the vicinity of N. or S. Main Street to improve cell service in the area. A lease agreement, according to Massachusetts General Law is considered to be a disposition of municipal property, as the land leased to a third party will not be available for other uses over the life of the lease. If this action is approved, the design and height of the tower will have to be vetted by the Board of Selectmen, among others. Furthermore, a bid for the land lease with the final specification of the tower height and design will have issued pursuant to MGL 30B. This article should be seen as a start to the process.

MOTION: *Move that the article be accepted as written.*

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action (5-0-0) This will have a financial benefit to the Town with effort; it will also create better reception for residents and replace an old communications tower.

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable Action (5-0-0)

VOTE NEEDED: Requires a 2/3rds vote per MGL Ch40 §§15 & 15A

The motion is seconded

Standing count required: 76 voters took part, 47 in favor, 29 against.

Moderator declares the motion fails

Motion to take Article 16 Out of Order, This requires a simple majority vote.

Moderator Declares a Simple Majority, Motion Passes

The business of Article 16 was taken up next.

ARTICLE 16: CITIZEN'S PETITION - AMEND THE ZONING MAP - 124/126 NORTH MAIN STREET

To see if the Town will vote to amend the Zoning Map incorporated into its Zoning Bylaws by rezoning a parcel of land located at 124/126 North Main Street and shown on Uxbridge Assessors map 18B as Lot 2966 (containing 7,062 sq. ft. and more particularly described in a deed recorded in Worcester District Registry of Deeds Book 34960, Page 391) from the existing Residential A zone to the Business zone thereby extending the existing Business zone on the westerly side of North Main Street;

Or take any other action relating thereto.

SPONSOR: Citizen's Petition

MOTION: *Move that the article be accepted as written.*

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable action (5-0-0) Rezoning this property will square an adjoining business zone which will increase its economic and taxable value.

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable Action (5-0-0)

RECOMMENDATION OF THE PLANNING BOARD: Favorable Action (3-0-0)

VOTE NEEDED: Requires a 2/3rds vote per MGL Ch40A, §5.

The motion is seconded

Moderator declares 2/3rds majority vote, motion passes.

ARTICLE 8: 32 S. MAIN STREET – ACCEPTANCE OF EASEMENT

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain taking an easement for purposes of the construction, reconstruction, maintenance and repair, of a drainage culvert located on property at 32 S. Main Street, Uxbridge, Massachusetts, owned by Uxville, LLC , 10 Albee Road, Millville, MA, shown on a plan entitled "Plan of Land in Uxbridge, Massachusetts, 32 South Main Street owned by Raymond H. & Joan M. Bedard February 25, 2004" prepared by Andrews Survey & Engineering, Inc., and to raise, transfer from available funds, borrow and appropriate a sum of money for said purpose,

Or take any other action relating thereto.

SPONSOR: Town Manager

Commentary: This article seeks authorization from the Town to acquire an easement on the property on the vacant parcel at 32 S. Main Street that was previously occupied by the structure known as the "Bank Building" that was destroyed by fire in July of 2013. A town-owned culvert that runs through the property needs repair. During a routine search of property records, it was discovered that there is no easement on record for the property. Approval of this article will authorize the Town to negotiate with the property owner.

MOTION: *Move that Town vote to authorize the Board of Selectmen to acquire by eminent domain taking an easement for purposes of the construction, reconstruction, maintenance and repair, of a drainage culvert located on property at 32 S. Main Street, Uxbridge, Massachusetts, owned by Uxville, LLC , 10 Albee Road, Millville, MA, shown on a plan entitled "Plan of Land in Uxbridge, Massachusetts, 32 South Main Street owned by Raymond H. & Joan M. Bedard February 25, 2004" prepared by Andrews Survey & Engineering, Inc., said easement to be provided to the Town at no cost by its Owner of Record.*

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action (5-0-0) Acceptance of this article will correct an easement issue from the past.

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable Action (5-0-0)

VOTE NEEDED: Requires a 2/3rds vote per MGL Ch40 §§15 & 15A.

The motion is seconded

Moderator declares a unanimous vote, motion carries

ARTICLE 9: ACCEPTANCE OF LAND DONATION – MULTIPLE PARCELS

To see if the Town will vote pursuant to G.L. c. 60, §77C to authorize the Board of Selectmen to accept donations of land to be conveyed to the town, by deed, deed in lieu of foreclosure, or by any other legal instrument; such donations to be made at the request of the owner(s) of record.

1. A parcel of land located at 305 Quaker Highway, owned by Hopedale Development Inc. with a primary address of 305 Quaker Highway, Uxbridge, Mass. Said premise is shown on a certain plan entitled “Town of Uxbridge Land to be conveyed to Richard Bernard by Phillip Lizotte et Ux, Aug. 14, 1965, John R. Andrews Jr. Surveyor”. Said plan being recorded with the Worcester District Registry of Deeds in Plan Book 293, Plan 83 and shown on the Assessor’s Map 35, Parcel 4385 consisting of 1.24 acres (53,800 square feet);
2. A parcel of land located at 0 N. Main Street, owned by Leo P. and Mary Peloquin, with a primary address of 20 Evans Way, Uxbridge, Mass. Said premise as shown on a certain plan entitled “Plan of division of property owned by Leo P. and Mary Peloquin, Uxbridge, Mass dated November, 1947”. Said plan being recorded with the Worcester District Registry of Deeds in Plan Book 165, Plan 82 and shown on the Assessor’s Map 18D, Parcel 2054 consisting of 0.46 acres (19,900 square feet);

Or take any other action related thereto.

SPONSOR: Town Manager

Commentary: These two properties have been offered to the Town by their respective owners.

305 Quaker Highway is 1.25 acres of land, valued at \$48,500

0 N. Main Street is .46 acre of land, valued at \$1,800

Acceptance of these properties, without restriction, will ensure that they do not fall into tax title at some future date. These parcels will be able to be retained by the Town, or sold at a future date, subject to Town Meeting authorization.

MOTION: *Move that the article be accepted as written.*

RECOMMENDATION OF THE FINANCE COMMITTEE: **Favorable Action (5-0-0)** Acceptance of these lots through deed-in-lieu of taxes will save the Town legal fees in order save the properties from tax taking.

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

VOTE NEEDED: Requires simple majority per G.L. c. 60, §77C.

The motion is seconded

Moderator declares a unanimous vote, motion carries



ARTICLE 10: AMENDMENT TO GENERAL BYLAWS § 327-3 VEHICLES AND TRAFFIC

To see if the Town will vote to amend § 327-3 of the General Bylaws of the Town which reads:

“No person shall place snow, ice or any other materials, including leaves, gravel, sand, or similar debris from private property onto the traveled portion of a public way or sidewalk so as to impede or obstruct the use of such public way or sidewalk or so as to create a hazard or unsafe condition on such a public way or sidewalk,” by adding at the end of the section “This provision shall be enforced by the Uxbridge Police Department. Whoever violates this section shall be punished by a fine of not more than one hundred and fifty dollars \$150.00 per violation. Each day, or portion thereof, after the issuance of a violation notice hereunder during which the violation remains unresolved shall be considered a new violation.”

Or take any other action relating thereto

SPONSOR: Town Manager

Commentary: The current by-law as written has no penalty for violators, no fine, or and no enforcement ability. Adding a fining component may serve as a deterrent.

MOTION: *Move that the article be accepted as written.*

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable Action (5-0-0)

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action (5-0-0) This change to the bylaw will discourage people from creating hazards in the roadway.

VOTE NEEDED: Requires a 2/3rds vote.

The motion is seconded

Moderator declares a 2/3rds majority vote, motion carries

**ARTICLE 11: ADDITION TO THE UXBRIDGE GENERAL BYLAWS: CHAPTER 290
STORMWATER**

To see if the Town will vote to adopt the following Chapter to the Uxbridge General Bylaws:

Chapter 290

STORMWATER

§ 290-1. Purpose.

§ 290-2. Definitions.

§ 290-3. Authority.

§ 290-4. Administration.

§ 290-5. Applicability.

§ 290-6. Procedures.

§ 290-7. Enforcement.

§ 290-8. Appeals.

§ 290-9. Severability.

GENERAL REFERENCES

§ 290-1. Purpose.

- A. The purpose of this Bylaw is to protect the public health, safety, environment and general welfare by establishing requirements and procedures to manage storm water runoff, promote

groundwater recharge and to prevent water pollution from new development and redevelopment. This Bylaw seeks to meet that purpose through the following objectives:

- (1) Establish regulations for land development activities that preserve the health of water resources;
- (2) Require that the amount and quality of storm water from new development is equal to or better than pre-development conditions in order to reduce flooding, stream erosion, pollution, property damage and harm to aquatic life;
- (3) Establish storm water management standards and design criteria to control the quantity and quality of storm water runoff;
- (4) Encourage the use of “low impact development practices”, such as reducing impervious cover and preserving greenspace and other natural areas;
- (5) Establish maintenance provisions to ensure that storm water treatment practices will continue to function as designed and pose no threat to public safety;
- (6) Establish procedures for the Town’s review of storm water management plans and for the Town’s inspection of approved storm water treatment practices.
- (7) Prevent and eliminate non-storm water discharges to the Town’s municipal separate storm sewer system (MS4).
- (8) Prohibit illicit connections and unauthorized discharges to the MS4, and require the removal of all such illicit connections.

B. Nothing in this Bylaw is intended to replace the requirements of the Town of Uxbridge Zoning Bylaw, or any other Bylaw that may be adopted by the Town of Uxbridge. Any activity subject to the provisions of the above-cited Bylaws must comply with the specifications of each.

§ 290-2. Definitions.

Unless the content specifically indicates otherwise, the meaning of the terms used in this article shall be as follows:

ALTER: Any activity, which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Alter may be similarly represented as “alteration of drainage characteristics,” and “conducting land disturbance activities.”

BEST MANAGEMENT PRACTICE (BMP): Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in storm water volumes and flows, reduce point source and nonpoint source pollution, and promote storm water quality and protection of the environment. “Structural”

BMPs are devices that are engineered and constructed to provide temporary storage and treatment of storm water runoff. “Nonstructural” BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

BETTER SITE DESIGN: Site design approaches and techniques that can reduce a site’s impact on the watershed through the use of nonstructural storm water management practices. Better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover, and using natural features for storm water management.

DISCHARGE OF POLLUTANTS: The addition from any source of any pollutant or combination of pollutants into the MS4.

HOTSPOT: Land uses or activities with higher potential pollutant loadings, such as auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances, or marinas.

ILLICIT CONNECTION: A surface or subsurface drain, conduit, or conveyance that allows an illicit discharge to enter the MS4, including without limitation sewage septage, process wastewater, or wash water, and any connection from indoor drains, sinks, or toilets, regardless of whether said connection was permissible under applicable law, regulation, or custom at the time of construction.

ILLICIT DISCHARGE: A discharge that is not entirely comprised of storm water. Notwithstanding the foregoing, an illicit discharge does not include discharges from the following activities or facilities: firefighting, water line flushing, landscape irrigation, uncontaminated ground water, potable water sources, foundation drains, air conditioning condensation, footing drains, individual resident car washing, flows from riparian habitats and wetlands, dechlorinated water from swimming pools, water used from street washing and water used to clean residential buildings without detergents.

MASSACHUSETTS STORM WATER MANAGEMENT POLICY: The Policy issued by the Department of Environmental Protection, as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The Policy addresses Storm Water impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): The system of conveyances designed or used for collecting or conveying storm water, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or manmade or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Uxbridge.

NEW DEVELOPMENT: Any construction on or land disturbance of a parcel of land that is currently in a natural vegetated state and does not contain alteration by man-made activities.

NONPOINT SOURCE POLLUTION: Pollution from many diffused sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into water resource areas.

NON-STORM WATER DISCHARGE: Discharge to the MS4 not composed entirely of storm water. The following non-storm water discharges are exempt from this definition, provided that the source is not a significant contributor of a pollutant to the MS4: water line or hydrant flushing; discharges from fire fighting activities; foundation or footing drains; landscape irrigation and lawn watering; air conditioning condensation; dechlorinated (<1part per million chlorine) swimming pool discharges; water from individual residential car washing; discharge from street sweeping; flow from potable water sources; flow from springs; wetlands, diverted streams, or riparian habitats; rising groundwater, including uncontaminated infiltrated or pumped groundwater; and others with approval.

PERSON: Any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to Town Bylaws, administrative agency, public or quasi-public corporation or body, the Town of Uxbridge, and any other legal entity, its legal representatives, agents, or assigns.

POLLUTANT: Contaminant including, but not limited to, heavy metals, toxins, oil and grease, solvents, nutrients, viruses and bacteria , solid waste, sewage, septage, agricultural waste, gasoline, diesel fuel, heat chemicals, detergents, fertilizers and pesticides, and animal waste.

PRE-DEVELOPMENT: The conditions that exist at the time that plans for the development of a tract of land are submitted to the Storm Water Authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time just prior to the first plan submission shall establish pre-development conditions.

POST-DEVELOPMENT: The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land. Post-development refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.

RECHARGE: The replenishment of underground water reserves.

REDEVELOPMENT: Any construction, alteration, or improvement exceeding land disturbance of one acre (43,560 [gross] square feet, where the existing land use is commercial or institutional.

STORM WATER: Storm water runoff, snow melt runoff, and surface water runoff and drainage.

STORM WATER AUTHORITY: The Planning Board is the Town of Uxbridge's Storm Water Authority. The Storm Water Authority is responsible for coordinating the review, approval and permit process as defined in this Bylaw. Other Boards and/or departments participate in the review process as defined in the Storm Water Regulations adopted by the Planning Board.

STORM WATER DISCHARGE: Conveyance or system of conveyances (including pipes, conduits, ditches and channels) primarily used for collecting and conveying storm water runoff.

STORM WATER MANAGEMENT PERMIT (SMP): A permit issued by the *Storm Water Authority*, after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated storm water runoff.

Definitions shall apply in the interpretation and implementation of the Bylaw. Terms not defined in the bylaw shall be understood according to their customary and usual meaning. Additional definitions may be adopted by separate regulation.

§ 290-3. Authority.

This Bylaw is adopted under authority granted by the Home Rule Amendment to the Massachusetts Constitution, and pursuant to the regulations of the federal Clean Water Act, and as authorized by the residents of the Town of Uxbridge at Town Meeting, dated November 10, 2015.

§ 290-4. Administration.

- A. The Storm Water Authority, shall administer, implement and enforce this Bylaw. Any powers granted to or duties imposed upon the Storm Water Authority may be delegated in writing by the Storm Water Authority to its employees or agents. The Storm Water Authority shall be the Uxbridge Planning Board, which may request input or involvement from the Department of Public Works, the Conservation Administrator and/or Conservation Commission, the Board of Health, and other Boards and/or Departments as it may deem necessary or appropriate to administer, implement, and enforce the specific components of this Bylaw.
- B. Storm Water Regulations. The Storm Water Authority may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration of this Storm Water Bylaw by majority vote of the Storm Water Authority, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least 14 days prior to the hearing date. After public notice and public hearing, the Storm Water Authority may issue rules and regulations to fulfill the purposes of this Bylaw. Failure by the Storm Water Authority to issue such rules and regulations or a legal declaration of the invalidity of any such rule or regulation by a court shall not act to suspend or invalidate the effect of this Bylaw.

- C. Storm Water Management Manual. The Storm Water Authority will adopt the policy, criteria, and information, including specifications and standards, set forth in the latest edition of the Massachusetts Storm Water Handbook, to implement the provisions of this Bylaw. This Handbook includes a list of acceptable storm water treatment practices, including the specific design criteria for each. The Handbook may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically altered in the Storm Water Regulations, storm water management practices that are designed, constructed, and maintained in accordance with the Handbook's design and sizing criteria will be presumed to be protective of Massachusetts water quality standards.
- D. Actions by the Storm Water Authority. The Storm Water Authority may take any of the following actions upon the filing of an application for a Storm Water Management Permit: Approval, Approval with Conditions, Disapproval, or Disapproval without Prejudice.
- E. Appeals of Action by the Storm Water Authority. A decision of the Storm Water Authority shall be final. A decision by the Storm Water Authority made under this Bylaw shall be reviewable in the Superior Court pursuant to an action filed within 60 days thereof in accordance with M.G.L. Ch. 249 § 4.

§ 290-5. Applicability.

- A. This Bylaw shall be applicable to all new development and redevelopment, including site plan applications and subdivision applications. The Bylaw shall apply to any activities that will result in an increased amount of storm water runoff or pollutants from a parcel of land, or that will alter the drainage characteristics of a parcel of land, unless exempt under Section 5.C of this Bylaw. All new development and redevelopment under the jurisdiction of this Bylaw shall be required to obtain a Storm Water Management Permit.
- B. An alteration, redevelopment, or conversion of land use to a hotspot (as determined by the Storm Water Authority in conformance with Standard 5 of the Massachusetts Storm Water Management Policy) including, but not limited to: auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances, or marinas, shall require a Storm Water Management Permit.
- C. EXEMPTIONS. No person shall alter land within the Town of Uxbridge without having obtained a Storm Water Management Permit (SMP), with the following exceptions:
 - 1. Any activity that will disturb an area less than one acre (43,560 [gross] square feet) of land.
 - 2. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04 and MGL Chapter 40A Section 3;

3. Conversion of land to agricultural use for crop cultivation and/or pasture uses;
4. Maintenance of existing landscaping, gardens or lawn areas appurtenant to a single family dwelling;
5. Repair or replacement of an existing roof of a single-family dwelling;
6. Construction of a single-family dwelling, where approval is not required, as such term is defined in the Subdivision Control Law (G.L. c. 41, §81P), unless the associated land disturbance activity exceeds one acre (43,560 [gross] square feet). Prior to land disturbance activities, persons constructing single-family dwellings are strongly encouraged to consult with the Town's Director of the Department of Public Works about actions to reduce storm water impacts during and after construction. It is also recommended that individuals constructing single-family dwellings prepare and grade lots in such a manner that development of the lot does not cause detrimental drainage onto another lot or onto streets or ways either during construction or upon completion thereof. Persons constructing single-family dwellings are strongly encouraged to use storm water control and site planning methods.
7. Repair or replacement of an existing septic system. Persons repairing or replacing septic systems are strongly encouraged to consult with the Town Board of Health about actions to reduce storm water impacts during and after construction.
8. The construction of any fence that will not alter existing terrain or drainage patterns;
9. Construction of a deck, patio, retaining wall, expansion of an existing driveway, construction of a shed, swimming pool, tennis or basketball court appurtenant to a single-family dwelling;
10. Construction of utilities (gas, water, electric, telephone, etc.) other than drainage, which will not alter terrain, ground cover, or drainage patterns;
11. Emergency repairs to any storm water management facility that poses a threat to public health or safety, as deemed necessary by the Storm Water Authority;
12. Any work or projects for which all necessary approvals and permits have been issued before the effective date of this Bylaw; and
13. Timber harvesting under an approved Forest Cutting Plan as defined by the Forest Cutting Practices Act regulation 304 CMR 11.00 and MGL Chapter 132 Sections 40 through 46.

D. Illicit Discharges

No person or entity shall dump, discharge, cause, or allow to be discharged any pollutant or non-storm water discharge into any pipe, drain, catch basin, or other structure in the MS4 such that it discharges into MS4, a water body, or a wetland resources area, whether by direct or indirect connection. No person shall construct, use, allow, maintain, or continue any illicit connection to the MS4, regardless of whether the connection was permissible under applicable law, regulation, or custom at the time of construction. No person or entity shall discharge, cause, or allow to be discharged any seepage or septic tank or cesspool overflow in the MS4.

§ 290-6. Procedures.

Permit Procedures and Requirements shall be defined and included as part of any rules and regulations promulgated under Section 4 of this Bylaw.

§ 290-7. Enforcement.

The Planning Board or its designee shall enforce these Regulations, and may pursue all available remedies for violations, including issuance of a written enforcement order. If remediation is required, the order may set forth a deadline when work shall be completed. Said order may further advise that failure to remedy violations may require the Town of Uxbridge to correct violations and pursue measures to obtain reimbursement from the property owner. If such corrective action by the Town is undertaken, within 30 days after correcting the violation, the violator and the property owner shall be notified of the costs incurred by the Town of Uxbridge, including reasonable administrative costs.

Any person, who violates any provision of the Town of Uxbridge Storm Water Bylaw, or any Regulation adopted or permit issued thereunder, may be ordered to correct the violation and/or shall be punished by a fine of not more than \$100.00 per day or part thereof that such violation occurs or continues. Each day during which such violation continues after notification of the violation by the Town shall constitute a separate offense for purposes of this section.

§ 290-8. Appeals.

The decisions or orders of the Planning Board may be appealed to a court of competent jurisdiction. The remedies described in these Regulations are cumulative in nature and shall not preclude the exercise of any other remedies available under any applicable federal, state or local law.

§ 290-9. Severability.

The invalidity of any section, provision, paragraph, sentence, or clause of this Bylaw shall not invalidate any other section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

Or take any action relating thereto.

SPONSOR: DPW Director

Commentary: In December of 1999, EPA promulgated Phase II of its storm water program under the National Pollutant Discharge Elimination System (NPDES) permit provisions of the Clean Water Act. Phase II regulates discharges from small municipal separate storm water systems (MS4s) located in "urbanized areas" (as delineated by the Census Bureau in the most recent census) and from additional small MS4s designated by the permitting authority. Phase II also regulates construction activities that would disturb between one and five acres of land. MS4s are typically operated by municipalities, and is not always just a system of underground pipes; it can include roads with drainage systems, gutters, and ditches and detention ponds.

The EPA determined there are six Minimum Control Measures, which need to be addressed for the Phase II National Pollutant Discharge Elimination System (NPDES) program. These measures will be addressed by implementing Best Management Practices (BMPs) appropriate for Uxbridge's community. There are three (3) minimum control measures that require the permittee to develop a local ordinance or other regulator mechanism to effectively prohibit violations. These control measures include, Illicit Discharge Detection and Elimination (IDDE), Construction Site Runoff Control and Post Construction Runoff Control.

The town has operated under the Phase II permit since 2003 (original permit was for a duration of 5 years). The Town was tasked to develop a Stormwater Management Plan to address the six (6) minimum control measures listed in the permit. A Stormwater committee was assembled to address the needs identified in the 2003 permit. One particular item that was previously addressed by the committee included the development and adoption of a Bylaw or ordinance.

The residents of the Town should consider approval of this in order to ensure compliance with our existing and proposed NPDES MS4 permit. Approval of this article will afford the Town the ability to continue with the development of a guidebook that will address all the required design and planning considerations needed to meet the intent of the permit. It is imperative that Town meeting pass this article as the local legislation is required for compliance with a few of the minimum control measures required by our permit. Failure to enact local legislation will result in administrative penalties up to and including daily fines for noncompliance.

MOTION: Move that the article be accepted as written

RECOMMENDATION OF THE FINANCE COMMITTEE: Favorable Action (5-0-0) This bylaw is needed as a condition of our MS4 permit.

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable Action (4-1-0)

VOTE NEEDED: Requires a 2/3rds vote.

The motion is seconded

During open debate, A motion to amend the article as follows: I move to amend the original motion to change all "Planning Board" authority to "Conservation Commission" authority.

Motion is seconded and requires a simple majority. The Moderator called for a standing count results as follows: In favor of amending motion/article, In Favor 26, Opposed 32.

Moderator declares the amended motion fails

Original Motion voted

Moderator declares a 2/3rds majority vote, motion carries

**ARTICLE 12: AMENDMENT TO THE UXBRIDGE GENERAL BYLAWS: CHAPTER 181
EXCAVATIONS**

To see if the Town will vote to amend Chapter 181 by deleting the existing chapter, in its entirety, and inserting a new Chapter 181 Excavations, to read as follows:

Chapter 181

EXCAVATIONS

ARTICLE I

Earth Removal

- § 181-1. Purpose.
- § 181-2. Permit required.
- § 181-3. Application for permit.
- § 181-4. Procedure for issuing permit.
- § 181-5. Conditions of permit.
- § 181-6. Duration of permit.
- § 181-7. Annual reports and inspections.
- § 181-8. Permit fees.
- § 181-9. Violations and penalties.

ARTICLE II

Barriers

- § 181-10. Safety measures required.
- § 181-11. Barriers - violations and penalties

ARTICLE III

Procedure

- § 181-12. Compliance
- § 181-13. Written Permit

GENERAL REFERENCES

ARTICLE I

Earth Removal

181-1. Purpose.

The primary intent of this regulation is to establish guidelines and regulate the excavation of earth removal in the Town of Uxbridge.

181-2. Permit required.

The removal of soil, loam, sand, or gravel from any parcel of land in the Town of Uxbridge is prohibited unless a written permit therefor is obtained from the Planning Board as herein provided; except however, that no permit shall be necessary when soil, loam, sand, fill, or gravel must be removed to:

- A. Construct a single or multi-family building being built in accordance with a permit issued by the proper Town Authority. This will be exempt from a permit for up to 1,500 yards of material removed.

- B. Construct a commercial building or facility that has met Planning Board and town approvals for a permit. Removal and/or hauling of material is permitted up to the amounts necessary to complete project according to approved plans. Additional removal beyond the scope of construction of over 3,000 yards shall require a Gravel Removal Permit.
- C. Construct a public or private way within the town that has met all town approvals, and after the developer has put a covenant in place and recorded said covenant along with the conditions of approval by the Planning Board. Additional removal of the material beyond the scope of construction of over 3,000 yards shall need a Gravel Removal Permit.
- D. Operate a licensed landscape/materials facility to sell/remove materials produced offsite and hauled into said facility.
- E. Removal of soils/materials is not considered part of a normal operation of a farm or garden and is not exempt from this Bylaw.

§ 181-3. Application for permit.

- A. Any person wishing to obtain a permit to remove soil, loam, sand, or gravel from any parcel of land within the Town shall file a written application with the Planning Board, which shall include the following information and documentation:
 - 1) The legal name and address of the applicant. The name, address and phone number of the individual overseeing the gravel operation.
 - 2) The location of the proposed excavation.
 - 3) The legal name and address of the owner of the property to be excavated.
 - 4) A list of abutters, and abutters to abutters, within 300 feet of the location of the proposed excavation, as appearing in the records maintained by the Assessor's Office of the Town.
 - 5) A site plan of the land prepared by a registered land surveyor or registered professional engineer showing the existing contours and topography of the entire site of the proposed excavation and all abutting land within 100 feet of the proposed excavation. The site plan shall locate monuments sufficient to delineate the perimeter of the site at intervals of not less than 500 feet.
 - 6) A plan of the land showing the proposed contours and topography of the site when the proposed excavation is completed, showing a typical cross-section of the proposed final cover as well as any drainage or other structures that may be necessary.
 - 7) A proposal concerning the provisions of security for the final completion of the excavation project in accordance with plans submitted and any additional conditions that may be attached to the permit.
 - 8) The Planning Board shall submit application materials to the Building Inspector/Zoning Enforcement Officer for review, approval and comments if a residential use shall occur.
- B. The Planning Board may, by regulation, prescribe forms for initial applications, extensions, and renewals, and such forms may require additional information as the Board shall determine to be necessary.

§ 181-4. Procedure for issuing permit.

- A. Prior to issuing any permit hereunder, the Planning Board shall hold a public hearing, notice of which shall be given by publication in a newspaper having general circulation within the Town and copies of which are mailed to each of the abutters shown on the list submitted with the application, at least seven days prior to the hearing.
- B. Prior to such hearing the Planning Board shall also send notice of the application to the Board of Health, Conservation Commission, and Planning Board and request such comment or advice as said Boards or Commission may deem appropriate.
- C. If, after hearing, the Planning Board determines that the permit application conforms to the requirements of § 181-2 hereof, and that the permitted operation would conform with the requirements of public health and welfare and be consistent with the sound development of the Town, the Planning Board may issue such permit upon the terms specified in this bylaw and subject to such additional conditions the Planning Board may determine to be necessary.

§ 181-5. Conditions of permit.

Every permit issued shall be subject to the following conditions:

- A. The portions of the permitted premises which have been excavated shall be graded and leveled to conform to the approved final contour plan at least annually.
- B. After final grading and leveling and not later than October 15 of each year, the excavated portion shall be covered with not less than four inches of suitable topsoil, and shall be seeded and planted with suitable ground cover within 200 feet of current excavation operations. All final contour slopes will conform to a 2 to 1 maximum. That is for every two (2) feet of horizontal travel only a one (1) foot drop maximum is allowed.
- C. No excavation shall be undertaken within 100 feet of a public or private way or within 150 feet of a building or structure, unless the Planning Board specifically finds that such excavation will not undermine the way or structure or otherwise be seriously detrimental to the neighborhood and such finding is endorsed on the permit.
- D. No swamp, pond, watercourse, or other wetland will be altered or polluted in any way without all necessary permits and no watercourses, drains, swales, culverts or other water channeling contours or structures shall be constructed unless shown on the plan submitted and approved.
- E. No excavation will begin until security by surety bond, cash, or other approved method is provided to insure that the excavation will be carried out in accordance with the permit and that the final grades and cover are provided. Such security shall not be less than \$2,000 for each acre of the proposed site. The security shall be released when suitable vegetation has been reestablished on the portion of the site for which it was provided.

§ 181-6. Duration of permit.

Every permit granted under this bylaw shall be valid for a period not to exceed one year. Any permit issued may be renewed by the Planning Board, without hearing, if the proposed excavation will be conducted in accordance with a plan previously approved and if the annual report required by § 181-6 has been filed. Any expansion or extension of a permitted excavation will also be subject to a public hearing.

§ 181-7. Annual reports and inspection.

- A. One month prior to permit expiration, the permitted operator of an excavation shall submit a report showing the following information for the preceding permitted period of operation:
 - 1) The amount of material removed.
 - 2) The type of material removed.
 - 3) The area (square feet or acres) excavated and the area regraded, covered, and seeded.

- B. Every permitted excavation shall be open for inspection by the proper local officials and the Town's Engineer at all reasonable times. Every November the Town Engineer, at the applicant's expense, will do an annual site visit to verify that proper restoration has been completed according to the submitted plan and report findings to the Planning Board.

§ 181-8. Permit fees.

The Board of Selectmen thereto shall set all application and renewal fees. The applicant is responsible for peer review fees for new applications, annual renewal of applications, inspections, plan review and site visits for the Town's Engineer as deemed necessary.

§ 181-9. Violations and penalties.

Each day of excavation without the permit required, or otherwise, in violation of this bylaw shall constitute a separate offense and shall be individually punishable by the fine provided in MGL c. 40 §21, Clause (17).

ARTICLE II
Barriers

§ 181-10. Safety measures required.

Every person excavating land, in charge of such excavation, or owning land which has been excavated shall erect barriers or take other suitable measures to protect the public within two days after having been notified in writing by the Planning Board or the Building Inspector that in their opinion such excavation constitutes a hazard to public safety. Policing Authority shall reside with the Planning Board following consultation with the Building Inspector/Zoning Enforcement Officer.

§ 181-11. Barriers - Violations and penalties.

The penalty for failure to comply with such written notice by the Planning Board or the Building Inspector/Zoning Enforcement Officer shall be \$200 per day for every day such person is in violation of such notice commencing with the fourth day thereof.

ARTICLE III
Procedure

§ 181-12. Compliance.

Compliance of the requirements and conditions of this bylaw may be waived by the permitting authority subject to Mass General Law, as amended, and any other applicable laws.

§ 181-13. Written Permit.

The written permit issued shall include any special conditions in addition to the general conditions of this bylaw.

Or take any action relating thereto.

SPONSOR: Planning Board

Commentary: This updated bylaw would replace the current Excavations, Earth Removal and Barriers Bylaw. The Planning Board proposes this revision to better regulate the removal of soil, loam and gravel.

MOTION: *Move that the article be accepted as written with a correction to Subsection 181-6 "Duration of Permit", noting that the reference to Subsection 181-6 in that section be changed to reference "Subsection 181-7 Annual Reports and Inspection".*

RECOMMENDATION OF THE FINANCE COMMITTEE: Unfavorable Action (3-2-0) The Committee believes that this proposed bylaw change requires further review.

RECOMMENDATION OF THE BOARD OF SELECTMEN: Favorable Action (3-2-0)

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

VOTE NEEDED: Requires a 2/3rds vote.

The motion is seconded

During open debate, A motion to amend the article as follows: I move to amend the original motion to change Article I Section 181-2, by deleting the last sentence in subsections B & C. Motion is seconded and requires a simple majority. The Moderator declares the motion fails.

Original Motion voted

Moderator declares a 2/3rds majority vote, motion carries

**ARTICLE 13: AMENDMENT TO THE UXBRIDGE GENERAL BYLAWS: CHAPTER 236
PRECIOUS METALS**

To see if the Town will vote to amend Chapter 236 Precious Metals by deleting the existing chapter and inserting a new Chapter 236 Pawnshops, Secondhand and Precious Metal Dealers, to read as follows:

Chapter 236

PAWNSHOPS, SECONDHAND AND PRECIOUS METAL DEALERS

- | | |
|--|---|
| § 236-1. Purpose. | § 236-17. Holding period before sale. |
| § 236-2. Definitions. | § 236-18. Articles to remain on premises. |
| § 236-3. Authority. | § 236-19. Examination of articles and shop. |
| § 236-4. License Required. | § 236-20. Removal of articles by police officers. |
| § 236-5. Posting of name and occupation. | § 236-21. Rules and regulations. |
| § 236-6. Regulated property. | § 236-22. Fees. |
| § 236-7. License applications – general. | § 236-23. Enforcement and Violations. |
| § 236-8. Issuance and renewal of licenses. | |
| § 236-9. Suspension. | |
| § 236-10. Revocation – General. | |
| § 236-11. Records of purchases -Transaction Records. | |
| § 236-12. New England State Police Information Network (NESPIN) – Data Submission. | |
| § 236-13. Certified Scales. | |
| § 236-14. Notification to police regarding possible stolen property. | |
| § 236-15. Receipt of articles from minor – prohibited. | |
| § 236-16. Responsibility of proprietor for violations. | |

GENERAL REFERENCES

§236-1. Purpose.

The purpose and intent of this regulation is to establish a system which fairly and impartially regulates the sale of secondhand articles by secondhand dealers, pawnbrokers & precious metals dealers for the stated purpose of:

- A. identifying stolen property that may be received by such second hand dealers, pawnbrokers & precious metals dealers;
- B. deterring and preventing the sale of stolen goods and;
- C. aiding law enforcement officers in their duty to apprehend and prosecute any person who facilitates the theft, possession and or sale of stolen goods, while enabling the return of stolen property to the rightful owners.

§236-2. Definitions.

Unless the content specifically indicates otherwise, the meaning of the terms used in this Bylaw shall be as follows:

- A. PAWNBROKER – A person who is engaged in the business of loaning money on the deposit or pledge of wearing apparel, jewelry, ornaments, household goods or other personal property on condition of selling the same back again at stipulated price.
- B. SECONDHAND DEALER- Has the same meaning as the term “secondhand collector”, "junk dealer" junk collector” and "keeper of a shop” for the purchase, sale or barter of junk, old metals or secondhand articles" as referenced in MGL c. 140, § 54. A secondhand dealer shall mean any person, firm, corporation, or partnership engaged in the business of buying, selling, exchanging, or dealing in any way with secondhand articles, used goods, old junk, scrap metals, or unwanted personal property; regardless of the number of transactions (frequency of sales shall not be relevant) or the location where such sales take place (having a dedicated shop or store and the use of residential property shall not be relevant). This definition shall include all persons who conduct business in the sale of unwanted personal property at a flea market, antique shop, coin show, gun show, jewelry show, refinery reclamation drive, and or any jewelry.
- C. PRECIOUS METALS DEALER- One who deals / buys a classification of metals that are considered to be rare and/or have a high economic value. The higher relative values of these metals are driven by various factors including their rarity, uses in industrial processes and use as an investment commodity.
Precious metals include, but are not limited to: gold, silver, platinum, iridium, rhodium and palladium.
- D. APPLICANT – The individual (s) or corporation that is applying for a license under this bylaw.
- E. BUYER – Any person (other than the pawnbroker, secondhand dealer or precious metals dealer who has purchased or otherwise obtained custody, (whether temporary or permanent) of secondhand articles, used goods, old junk, scrap or precious metals, or unwanted personal property. This definition shall also refer to any person who acquires such goods from a secondhand dealer, pawnbroker or precious metals dealer as a gift or in lieu of some form of compensation.
- F. SELLER – Shall mean any person who relinquished or is intending to relinquish custody, (whether temporary or permanently) of secondhand articles, used goods old junk, scrap metals, or unwanted personal property by means of offering for sale, consignment, barter exchange loan or to hold as security.
- G. PROPRIETOR – The owner of any business regulated by this Bylaw. This definition applies to all persons with ownership authority, whether the business is a sole proprietorship, partnership, or corporation.

- H. PRECIOUS METALS: For the purpose of this bylaw, the term “precious metals” means and includes any precious metal, including, but not limited to, gold, silver, platinum iridium, rhodium and palladium, without regard to the form or amount of such precious metal.
- I. PRECIOUS OR SEMI-PRECIOUS STONE OR GEMS: any stone or gem that is rare or costly or any stone or gem that is of lower value than those classified as precious.
- J. ARTICLES: Commodities valued in excess of \$100.00.
- K. BUSINESS: the sole proprietorship, partnership, firm or corporation engaged in the practice of trading in any of the articles defined within this Bylaw

§236-3. Authority.

The Uxbridge Board of Selectmen, as the licensing authority issues licenses to and regulates secondhand dealers, pawnshops & precious metals dealers within the Town of Uxbridge, Massachusetts.

§236-4. License required.

- A. Pawnshops, secondhand dealers & precious metals dealers shall be licensed by the Board of Selectmen prior to engaging in said activity and shall comply with this Bylaw, which was promulgated in accordance with M.G.L. C. 140, § 54 and other applicable enabling authority..
- B. Applications for new licenses and renewal licenses shall be made in writing on forms provided for this purpose by the Office of the Board of Selectmen. Said office shall keep a record of all licenses so issued. Each license granted shall be issued on a location specific basis. No license shall be granted to transient or temporary businesses; they shall issue only with respect to permanent business locations.
- C. Licenses under this section shall be awarded at the sole discretion of the Board of Selectmen.
- D. Upon approval, a license shall be issued and shall continue in effect for one year, unless sooner revoked by the Board of Selectmen. Licenses are to be renewed annually, effective January 1st of each year.
- E. No license may be transferred or assigned to another person, entity, business or location, without approval by the licensing authority.
- F. The license issued hereunder shall be clearly and prominently displayed in a suitable and conspicuous place within the shop, residence or other place in which the proprietor conducts business.

§ 236-5. Posting of name and occupation.

The proprietor shall display, in a suitable and conspicuous place in his shop, residence, or other place where he conducts business, a sign at least 15 x 20 inches in size, with his name and occupation legibly printed thereon.

§236-6. Regulated Property.

Any proprietor of a business who regularly buys, sells, exchanges, or deals with any articles in excess of \$100.00 for resale is considered regulated property. Such shop, residence or other place of business and all articles purchased or sold therein, may, at all times, be inspected by the Police Chief or his designee.

§236-7. License applications – General.

License applications, upon completion, shall be forwarded for review to the Uxbridge Building Inspector/Zoning Enforcement Officer & Fire Department, prior to submission to the Board of Selectmen. Each official in the previously mentioned Departments may make recommendations to the Board of Selectmen whether the requested license should be approved, modified or denied; however the final decision shall be made at the sole discretion of the Board of Selectman.

§236-8. Issuance and renewal of licenses.

The Board of Selectmen may deny or condition its approval of an original or renewal application for proprietor's license if it has reasonable cause to believe any of the following conditions exist:

- A. the proprietor, or any person who, in whole or in part, owns, manages or operates the business on behalf of the proprietor, has owned or operated any substantially similar license and, within the five years prior to the application date had a pawnbroker, secondhand dealer or precious metals dealer license revoked for a reason that would be grounds for a denial or revocation pursuant this policy;
- B. the proprietor, or any person who, in whole or in part, owns, manages or operates the business on behalf of the proprietor, has been convicted of a felony or any crime involving a false or fraudulent statement within five years prior to the application date, (a CWOFF shall be reviewed as a finding or admission of guilt);
- C. the proprietor, or any person who, in part or whole, owns, manages or operates the business on behalf of the proprietor, has:
 - (1) knowingly made a false statement in the application;
 - (2) knowingly omitted information requested to be disclosed in the application; or
 - (3) completed the application with reckless disregard for the truth or accuracy of the statements made therein;
 - (4) unjustifiably refused a lawful inspection during regular business hours of the proprietor's premise, books, forms or records by the Police Chief or his designee ;

- (5) been cited for more than three violations of these regulations, any state or federal law, or any combination thereof within a two-year period, including the two years prior to the application date; and/or,
- (6) been convicted of any law of the Commonwealth of Massachusetts that is contrary to the type of business to be conducted, such as, but not limited to, receiving stolen property, any form of breaking and entering, larceny from a person or any other form of larceny, or any form of aggravated assault, as verified by a CORI by the Police Chief or his designee;

D. the business has been found to constitute a public nuisance;

E. such other grounds exist as the Board of Selectmen determines to be contrary to the public interest or in violation of the conditions of the license or any law or regulation of the Commonwealth or the Town of Uxbridge.

§236-9. Suspension/ Revocation.

A. A violation of any section of this Bylaw shall result in the suspension of the license for 60 days for the first offense, suspension for one year for the second offense and a revocation for the third offense.

§236-10. Records of purchases -Transaction Records.

A. The proprietor or any person who, in whole or in part, owns, manages or operates the business on behalf of the proprietor, shall prepare a transaction record upon a form approved by the Chief of Police or designee, regardless of the manner of acquisition, of any article, good or item subject to licensing hereunder, stating:

1. the full name, current address, date of birth and driver's license number of the seller;
2. A photograph of a valid (unexpired) state driver's license that includes the date of birth and photograph of the person offering the identification; or,
 - a. Two other forms and photographs of current identification, at least one of which is issued by a governmental agency or subdivision and includes the date of birth and photograph;
3. Each seller shall sign his or her true name on the transaction record verifying they are the property owner; and
4. the date and time of transaction;
5. a full, detailed and accurate description (including color, make, model, serial numbers, distinguishing marks or engravings) of each article and a photograph of said items with the sales receipt for bought or pawned items; and
6. A proprietor shall also record each transaction, with the information required in a bound book with consecutively numbered pages. The book shall be of a size and style approved by the Chief

of Police or his designee. All entries shall be in ink, legible, written in English and assigned a number. The corresponding number shall be attached to the item. No entry in the book shall be erased, obliterated, altered or defaced.

The transaction book shall at all reasonable times be open to the inspection by the Chief of Police or any officer or person duly authorized by him, or any other person authorized under law. The transaction books shall be kept for a minimum of three (3) years after the proprietor last does business in the Town of Uxbridge.

§236-11. New England State Police Information Network (NESPIN) – Data Submission.

All businesses licensed pursuant to this Bylaw, shall submit all records of transactions in accordance with (NESPIN) electronic database protocols and submission schedules.

All said businesses shall simultaneously forward the identical electronic transactions as submitted to NESPIN to the Uxbridge Police Department to the Chief of Police or designee.

§236-12. Certified Scales.

All weighing or measuring devices used by a licensee in the conduct of the licensed business shall be tested and sealed by the sealer of weights and measures of the Town of Uxbridge. Licensees shall not allow those certifications to lapse.

§236-13. Notification to police regarding possible stolen property.

- A. All businesses licensed pursuant to this Bylaw shall immediately notify the Uxbridge Police Department upon receiving an article which is questionable as to its status of being stolen and shall make such article available for inspection by an officer of the Police Department.
- B. All businesses licensed pursuant to this bylaw shall not purchase any property whose serial number or other identifiable marking has been wholly or partially tampered with or removed or the article bears the name of a person that is not the seller.

§236-14. Receipt of articles from minor – prohibited.

No proprietor, or any person who, in whole or in part, owns, manages or operates the business on behalf of the proprietor shall directly or indirectly purchase or receive by way of barter or exchange any article from a minor under the age of 18.

§236-15. Responsibility of proprietor for violations.

Every proprietor licensed under this article shall be responsible for all persons employed by him in the business. Any violation of this article or of the terms of this license by any employee of such dealer, or by any person upon the licensed premises, shall be construed to be a violation of the terms of this article or of the license by the proprietor.

§236-16. Holding period before sale.

No article herein described shall be sold, encumbered by sales contract, transferred altered in its appearance, or otherwise disposed of, within sixty (60) days of purchase.

§236-17. Articles to remain on premises.

All articles purchased shall remain on the premises during the waiting period; items shall not be placed on the sales floor until the waiting period has expired, unless the item is clearly marked with the corresponding transaction number and the sales release date based on the time frame as specified.

§236-18. Examination of articles and shop.

Any business licensed pursuant to this Bylaw, shall during regular business hours be open to inspection of all articles, books, the premises, or inventories by the Chief of Police or any officer or person duly authorized by him, or any other person authorized under law.

§236-19. Removal of articles by police officers.

- A. If the Chief of Police or his designee determines that any articles are needed for evidence in a criminal investigation, a duly authorized police officer may seize that evidence, subject to applicable criminal procedures, if any. The proprietor shall be issued a receipt for the article(s).
- B. Said seized articles, subject to a court's direction, if any, may be kept as long as necessary to permit the article to be used as evidence and for such reasonable time thereafter as needed to best determine, if possible, the person(s), if any, lawfully entitled to possession of said property and return the same to them.

§236-20. Rules and Regulations.

The Board of Selectmen may adopt such rules, regulations and policies governing the issuance of licenses and the conduct of businesses licensed pursuant to this Bylaw pursuant to the authority granted by Chapter 140, Section 54 of the General Laws and/or pursuant to the authority granted herein.

§236-21. Fees.

- A. The annual fee for the license issued pursuant to this Bylaw shall be established by the Board of Selectmen.

§236-22. Enforcement and Violations.

- A. Violation of any provision of this Bylaw may be addressed administratively, prosecuted as a criminal matter, or by the procedure provided in § 21D of Chapter 40 of the General Laws. Each day a violation occurs shall be considered a separate violation hereunder.

Or take any action relating thereto.

SPONSOR: Police Chief

Commentary: This updated bylaw, which would replace the current Precious Metals bylaw, further regulates the trade of pawnshops, precious metal dealers, and owners of shops which sell second hand goods by putting reasonable safeguards in place to reduce the possibility of town businesses purchasing stolen goods.

MOTION: *Move that the article be accepted as written with a correction to the index, noting that Subsection 236-9 "Suspension" has been removed. All subsequent sections are renumbered accordingly.*

RECOMMENDATION OF THE FINANCE COMMITTEE: *Favorable Action (5-0-0) The Committee believes that this bylaw will help prevent stolen property from being sold in the town.*

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

VOTE NEEDED: Requires a 2/3rds vote.

The motion is seconded

Moderator declares a 2/3rds majority vote, motion carries

ARTICLE 17: CITIZEN'S PETITION – STREET ACCEPTANCE STOREY LANE

To see if the Town will vote to accept as a public way the street known as Storey Lane as laid out by the Board of Selectmen and further authorize the Board of Selectmen, in the name and behalf of the Town, to acquire by gift, easements and appurtenant rights in and for said way for the purposes for which public ways are used in the Town;

Or take any other action relating thereto.

SPONSOR: Citizen's Petition

MOTION: *No Motion*

RECOMMENDATION OF THE FINANCE COMMITTEE: *Unfavorable Action (5-0-0) Not all of the required information has been received to accept the road.*

RECOMMENDATION OF THE BOARD OF SELECTMEN: *The Board passed over. No recommendation.*

RECOMMENDATION OF THE PLANNING BOARD: *No recommendation.*

VOTE NEEDED: Requires a Majority vote.

No Motion, No Action

ARTICLE 18: CITIZEN'S PETITION – STREET ACCEPTANCE – WALNUT GROVE

To see if the Town will vote to accept as a public way the street known as Walnut Grove as laid out by the Board of Selectmen and further authorize the Board of Selectmen, in the name and behalf of the Town, to acquire by gift, easements and appurtenant rights in and for said way for the purposes for which public ways are used in the Town;

Or take any other action relating thereto.

SPONSOR: Citizen's Petition

MOTION: *No Motion*

RECOMMENDATION OF THE FINANCE COMMITTEE: Unfavorable Action (5-0-0) Not all of the required information has been received to accept the road.

RECOMMENDATION OF THE BOARD OF SELECTMEN: The Board passed over. No recommendation.

RECOMMENDATION OF THE PLANNING BOARD: No recommendation.

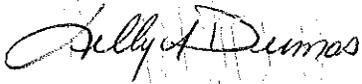
VOTE NEEDED: Requires a Majority vote.

No Motion, No Action

* * * * *

A motion was made and seconded to dissolve the 2015 Fall Town meeting. The motion carried unanimously and town meeting was adjourned at 10:55pm.

A true copy attest,



Kelly J. Dumas

Uxbridge Town Clerk

