

SPRING ANNUAL TOWN MEETING WARRANT

**SATURDAY, MAY 15, 2021 @ 2:00 P.M.
MCCLOSKEY SCHOOL - 62 CAPRON STREET
UXBRIDGE, MASSACHUSETTS**

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TOWN MEETING
THE CONDUCT OF THE MEETING

A. Voting

- i. Only registered voters with a clicker can vote.
- ii. Votes will be taken electronically.

B. Warrant Articles

- i. Articles will be acted upon in the order they appear on the warrant unless the meeting votes otherwise.
- ii. All main motions must be in writing, with copies given to the Town Clerk and Moderator.
- iii. All motions and amendments dealing with the expenditure of money must be in writing, again with copies given to the Town Clerk and Moderator.
- iv. No person shall address a town meeting without leave of the moderator. [MGL Ch. 39, Sec. 17]
- v. The sponsor of the article will be recognized to place a motion before the meeting.
- vi. The sponsor will be asked speak to the merits of the motion.
- vii. An opponent to the article, if there is one, will then be recognized to speak.
- viii. The Finance Committee, Planning Board (for zoning articles) and Board of Selectmen will be recognized for their recommendations.
- ix. Following the recommendations, the article will be open for debate.

C. Open Debate

- i. Voters wishing to speak should proceed to the speaker seats to be recognized.
- ii. Non-voters, other than department heads, must request and be granted permission by the meeting before they can speak.
- iii. Each speaker has a total of 10 minutes to speak.
- iv. A speaker cannot move the question after concluding his remarks.
- v. A motion to move the question requires a 2/3 majority vote to shut off debate.

D. Town Meeting will be run in accordance to the following four rules:

- i. All debate will be conducted in a respectful and courteous manner,
- ii. Comments will be limited to the subject being debated.
- iii. No comments of a personal nature are to be made.
- iv. Anyone unwilling or unable to comply with these rules will be removed.

E. Following the vote on the last article, the Moderator will entertain a motion to "Dissolve" the meeting.

SPRING ANNUAL TOWN MEETING WARRANT

SATURDAY, MAY 15, 2021 @ 2:00 P.M.
MCCLOSKEY SCHOOL – 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 VALLEY CHAPEL AUDITORIUM, AT 14 HUNTER ROAD, IN SAID UXBRIDGE,
ON THE FOLLOWING ARTICLES TO WIT:

Estimated Free Cash (as of xxxx) is \$xxx. Certified Retained Earnings from the Enterprise Funds are forecast as follows: Sewer Enterprise Fund: \$xxx; Water Enterprise Fund: \$xxx; and Cable Enterprise Fund: \$xxxx.

* * *

ARTICLE 1: COMMITTEE REPORTS

To allow interested Committees/Departments to present reports and act thereon, or take any other action related thereto.

SPONSOR: Board of Selectmen

ARTICLE 2: BILLS OF PRIOR FISCAL YEAR

To see if the Town will vote pursuant to M.G.L. c.44, §64 to raise and appropriate and/or transfer from available funds such sums of money necessary for the purpose of paying outstanding bills from prior fiscal year(s), or take any other action related thereto.

SPONSOR: Town Manager

ARTICLE 3: FY 2021 SNOW AND ICE DEFICIT

To see if the Town will vote to transfer from the Town Stabilization Fund a sum of money to balance the snow and ice account for 2021 deficits incurred pursuant to M.G.L. Chapter 44 §31 D, or take any other action related thereto.

SPONSOR: Town Manager

[REDACTED]

ARTICLE 4: TRANSFER FROM SEWER ENTERPRISE RETAINED EARNINGS

To see if the Town will vote to transfer from sewer retained earnings the sum of \$500,000 to supplement the FY2021 budget, or take any other action related thereto.

SPONSOR: Town Accountant

[REDACTED]

ARTICLE 5: TRANSFER FROM WATER ENTERPRISE RETAINED EARNINGS

To see if the Town will vote to transfer from sewer retained earnings the sum of \$100,000 to supplement the FY2021 budget, or take any other action related thereto.

SPONSOR: Town Accountant

[REDACTED]

ARTICLE 6: TOWN BUDGET

To see if the Town will vote to fix compensation of all officials of the Town, provide for a reserve fund, determine sums to be raised and appropriated, including those from available funds, in order to defray expenses including debt and interest for fiscal year 2022 (FY22) – approve the budget, or take any other action related thereto.

SPONSOR: Town Manager

[REDACTED]

ARTICLE 7: WASTEWATER ENTERPRISE FUND BUDGET

To see if the Town will vote to raise and appropriate, and/or transfer from available funds, or otherwise provide a sum or sums of money for the salaries, expenses, and debt service of the Wastewater Enterprise Fund for the ensuing fiscal year, such sums of money to be offset by revenues of the Wastewater Enterprise Fund received during fiscal year 2022, or take any other action related thereto.

SPONSOR: Town Manager

[REDACTED]

ARTICLE 8: WATER ENTERPRISE FUND BUDGET

To see if the Town will vote to raise and appropriate, and/or transfer from available funds, or otherwise provide a sum or sums of money for the salaries, expenses, and debt service of the Water Enterprise Fund for the ensuing fiscal year, such sums of money to be offset by revenues of the Water Enterprise Fund received during fiscal year 2022, or take any other action related thereto.

SPONSOR: Town Manager

[REDACTED]

ARTICLE 9: CABLE PEG ACCESS TELEVISION ENTERPRISE FUND BUDGET

To see if the Town will vote to appropriate a sum or sums of money for the salaries and expenses of the Community Access Television budget for the ensuing fiscal year, such sums of money to be offset revenues received during FY 2022 by the Cable PEG Access Enterprise Fund, or take any other action related thereto.

SPONSOR: Town Manager

[REDACTED]

ARTICLE 10: TRANSFER FROM STABILIZATION TO OPEB

To see if the Town will vote to transfer \$40,000 balance of meals tax from FY2020, or take any other action related thereto.

SPONSOR: Town Manager

[REDACTED]

ARTICLE 11: RESCIND AUTHORIZED, UNISSUED DEBT

To see if the Town will vote to rescind the following unissued balances of appropriations and borrowing authority voted by the Town, which amounts are no longer needed for the purpose for which they were approved, or take any other action relative thereto.

SPONSOR: Town Manager

[REDACTED]

ARTICLE 12: REVOLVING FUND ACCOUNTS

To see if the Town will vote to authorize GLc.44, §53E ½ revolving funds for the continuation of: Library book repairs, not to exceed \$15,000, derived from late fines and fees, under the Library Trustees; recreation program costs, not to exceed \$10,000, derived from program fees, under the Recreation Committee; compost bin costs, not to exceed \$2,000, derived from compost bin sales, under the Board of Health; operational and restoration costs associated with the Uxbridge Community Garden, not to exceed \$20,000, to be derived from user fees and donations, under the Community Garden Committee; first aid/CPR training, not to exceed \$10,000, derived from course tuition and fees, under the Fire Chief; securing and/or demolition of buildings deemed unsafe and associated site cleanup, not to exceed \$30,000, derived from fees charged for those activities and 2.5% of permit revenue generated by the Inspectional Services Department, under the said department; Operation and restoration costs associated with Pout Pond; under the Pout Pond Recreation Committee, not to exceed \$25,000, derived from user and activity fees and concession sales; Uxbridge Dog Park Activities, for construction related and operational costs associated with the Uxbridge Dog Park; under the Dog Park Committee, not to exceed \$25,000, derived from user fees, donations, sponsorships, and/or purchases of memorial bricks; Board of Health, not to exceed \$50,000, derived from fund for use by the Board of Health in connection with Title V (Septic) and food related permits, or take any other action related thereto.

SPONSOR: Town Manager

[REDACTED]

ARTICLE 13: CARE AND CONDITION OF TOWN ROADS

To see if the Town will vote to appropriate a sum or sums of money for capital projects as recommended by the Town Manager in conjunction with the Capital Committee, or take any other action related thereto.

SPONSOR: DPW Director

ARTICLE 14: CMRPC PER CAPITA RATE/APPROPRIATION

To see if the Town will vote to approve a **0.30087 per capita**, as assessed upon the population of 13,457 persons in the Town of Uxbridge, as listed on the 2010 national census, and in doing so, vote to confirm the amount of \$4,048.81 appropriated for this purpose in this article to pay the Town's portion of the FY2022 operating expenses of the Central Massachusetts Regional Planning Commission (CMRPC) pursuant to M.G.L. Chapter 40B, Section 7, or take any other action related thereto.

SPONSOR: Town Manager

ARTICLE 15: ADOPTION OF CHAPTER 60, §23B RAISE MUNICIPAL LIEN CERTIFICATE CHARGE

To see if the Town will vote to allow the town to charge more than the standard \$25 for municipal lien certificates (MLCs). Communities that adopt this local option provision may charge more than \$25 to issue an MLC in the following cases: for residential properties of four or more families, \$100; for commercial, industrial and public utility properties, \$150; and, for farms and forests, \$50. Local acceptance of this provision would require a town meeting vote, or take any other action related thereto.

SPONSOR: Board of Selectmen

ARTICLE 16: LEASE AGREEMENT WITH UXBRIDGE YOUTH SOCCER LEAGUE

To see if the Town will vote to authorize the Town Manager and/or Board of Selectmen to negotiate and enter into an extended lease agreement with Uxbridge Youth Soccer League in order to make improvements on the existing fields and other necessary field improvements at 320 Sutton Street, or take any other action related thereto.

SPONSOR: Board of Selectmen

ARTICLE 17: GRANT OF EASEMENT FOR PURPOSES OF ESTABLISHING A BIKE PATH

To see if the Town will authorize the Select Board to grant an easement, as necessary, to support the use of a certain subsurface utility easement held by the Town located at _____ and as depicted on a certain _____ recorded with the Worcester County Registry of Deeds at _____, said easement to be granted for the purposes of establishing a bike path over the Town's sub surface easement; and further to

authorize the Select Board and Town Manager to negotiate the terms of any agreements with respect to said easement, or take any other action related thereto.

SPONSOR: Board of Selectmen

ARTICLE 18: AMEND THE ZONING BYLAW LANGUAGE IN §400-23, NUMBER OF MARIJUANA ESTABLISHMENTS, AND MEDICAL MARIJUANA TREATMENTS CENTERS

To see if the Town will vote to amend §400-23 by removing the following section labeled Example A and replacing it with Example B.

SPONSOR: Board of Selectmen

Example A – Current as approved by AG (REMOVE THE FOLLOWING):

A. Number of Marijuana Establishments and Medical Marijuana Treatment Centers

1. The maximum number of marijuana retailers shall be no more twenty percent (20%) the total number of licenses which have been issued within Uxbridge for the retail of alcoholic beverages not to be drunk on the premises for the preceding fiscal year, or three in total, whichever the greater.
2. The maximum number of marijuana cultivators, marijuana testing facilities, research facilities, marijuana product manufacturer or any other type of licensed marijuana-related business (exclusive of marijuana retailers or marijuana treatment centers) shall be no more than twelve (12) in total.
3. The maximum number of medical marijuana treatment centers shall be no more than three (3).

B. Number of Marijuana Establishments and Medical Marijuana Treatment Centers

1. The Board of Selectman shall negotiate and execute a Host Community Agreement (HCA) with the proposed marijuana establishment or medical marijuana treatment center.
2. There shall be no maximum on the number of marijuana cultivators, marijuana testing facilities, research facilities, marijuana product manufacturer or any other type of licensed marijuana-related business (exclusive of marijuana retailers or marijuana treatment centers)

Example B – Corrected (REPLACE WITH):

A. Number of Marijuana Establishments and Medical Marijuana Treatment Centers

1. The maximum number of marijuana retailers shall be no more twenty percent (20%) the total number of licenses which have been issued within Uxbridge for the retail of alcoholic beverages not to be drunk on the premises for the preceding fiscal year, or three in total, whichever the greater.
2. There shall be no maximum on the number of marijuana cultivators, marijuana testing facilities, research facilities, marijuana product manufacturer or any other type of licensed marijuana-related business (exclusive of marijuana retailers or marijuana treatment centers)
3. The maximum number of medical marijuana treatment centers shall be no more than three (3).

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

1. The Board of Selectman shall negotiate and execute a Host Community Agreement (HCA) with the proposed marijuana establishment or medical marijuana treatment center.
2. Any marijuana establishment or medical marijuana treatment center must be located within whichever district permissible under Appendix A, Table of Use Regulations.

, or take any other action related thereto.

ARTICLE 19: MARIJUANA DELIVERY LICENSE ADOPTION & AMEND SECTIONS OF THE ZONING BYLAWS

To see if the Town will vote to amend the Zoning Bylaw of the Town of Uxbridge by making the following changes thereto, by inserting the underlined text shown in § 400-23 A. Definitions as follows:

Marijuana Delivery Licensee - an entity that is authorized by the Cannabis Control Commission (CCC) to deliver Marijuana and Marijuana Products directly to Consumers, and as permitted by the CCC, Limited Delivery Licensee Marijuana Couriers to Patients and Caregivers. Included within this definition are Marijuana Delivery Operator and Marijuana Courier as those terms are defined by 935 CMR 500. Marijuana Delivery Licensees shall not be deemed Marijuana Retailers for the purpose of the maximum Marijuana Retailer limitations imposed under this bylaw.

Marijuana establishment - a marijuana cultivator, marijuana testing facility, marijuana research facility, marijuana product manufacturer, marijuana retailer, marijuana delivery licensee, or any other type of licensed marijuana-related business.

And further, to amend to amend the Zoning Bylaw of the Town of Uxbridge by making the following changes thereto, by inserting the underlined text shown in § 400-23 A. Number of Marijuana Establishments and Medical Marijuana Treatment Centers as follows:

2. There shall be no maximum on the number of marijuana cultivators, marijuana testing facilities, research facilities, marijuana product manufacturer, Marijuana Delivery Licensees, or any other type of licensed marijuana-related business (exclusive of marijuana retailers or marijuana treatment centers).

And further, to amend to amend the Zoning Bylaw of the Town of Uxbridge by making the following changes thereto, by inserting the underlined text shown in Table A Table of Use Regulations as follows:

Marijuana establishment (cultivation, production, <u>delivery</u>)	N	N	N	N	N	Y	Y	Y
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, or take any other action related thereto.

SPONSOR: Planning Board

ARTICLE 20: AMEND THE SECTIONS OF THE ZONING BYLAWS WHICH ESTABLISH THE MAXIMUM NUMBER OF RETAIL MARIJUANA ESTABLISHMENTS

To see if the Town will vote to amend the Zoning Bylaw to increase the number of marijuana retail facilities (excluding growers and medical treatment centers) from three (3) to six (6) by amending the zoning bylaw §400-23, subsection A 1., Marijuana Establishments, and Medical Marijuana Treatment Centers as follows:

A. Number of Marijuana Establishments and Medical Marijuana Treatment Centers

1. The maximum number of marijuana retailers shall be no more than six (6) in total. ~~20 per cent the total number of licenses which have been issued within Uxbridge for the retail of alcoholic beverages not to be drunk on the premises for the preceding fiscal year, or three, whichever the greater.~~

, or take any other action related thereto.

SPONSOR: Board of Selectmen

ARTICLE 21: CITIZEN'S PETITION - REZONING OF SUMMERFIELD AT TAFT HILL

To see if the Town will vote to amend the zoning map incorporated into its zoning by-laws to Rezone Parcel 23 4435 from Residential/Agricultural to Residential. Summerfield at Taft Hill, a 55+ condominium community comprised of 130 Units, occupies this 63.04-acre parcel with approximately 25% of the parcel zoned Residential and the remainder zoned Agricultural. The Residents of Summerfield at Taft Hill would like to see the property be completely Residential.

ARTICLE 22: CITIZEN'S PETITION - ACCEPT TUCKER HILL ROAD AS A PUBLIC WAY

To see if the Town will vote to accept as a public way the street known as Tucker Hill Road as laid out by 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 purpose for which public ways are used in the town, or take any action relating thereto.

ARTICLE 23: CITIZEN'S PETITION - SELECT BOARD

To change the name of the Board of Selectman to "Select Board" or an equally inclusive term.

ARTICLE 24: CITIZEN'S PETITION - EXTEND AGE RESTRICTED OVERLAY DISTRICT

To amend Section 400-41 in Article VIII of the Zoning Bylaw as shown on the attached sheets.

MIRICK O'CONNELL

ATTORNEYS AT LAW

Stephen F. Madaus
Mirick O'Connell
100 Front Street
Worcester, MA 01608-1477
smadaus@mirickoconnell.com
t 508.929.1630
f 508.983.6270

March 8, 2021

VIA EMAIL

Brian Butler, Chair
Board of Selectmen
Town of Uxbridge
21 South Main Street
Uxbridge, MA 01560

Re: Petition for Warrant Article to Amend the Uxbridge Zoning Bylaw

Dear Mr. Butler:

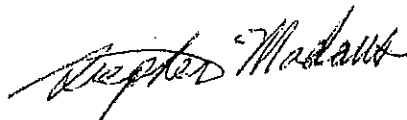
This firm represents High Ridge Development, Inc., owner of property located off of South Main Street in Uxbridge, known as the High Ridge Estates Subdivision (the "Property"). The Property is shown on a subdivision plan recorded at the Worcester District Registry of Deeds in Plan Book 794, Plan 94.

The owner seeks to have certain amendments adopted relative to Article VIII of the Uxbridge Zoning Bylaws, entitled "Overlay District Regulations", to include the Property in the Age Restricted Development Overlay District and to allow for an Age Restricted Development (over-55) on the Property. A special permit from the Planning Board is required for such a development and the proposed amendments will not change that permitting process.

The first paragraph in MGL Chapter 40A, section 5 provides that an amendment to a zoning bylaw may be initiated by submission to the Board of Selectmen of a proposed zoning bylaw by an individual owning the land to be affected by the change or amendment. Accordingly, on behalf of the owner of the Property, please accept the enclosed petition for a warrant article for the 2021 Annual Town Meeting.

Thank you for your consideration.

Very truly yours,



Stephen F. Madaus

SFM/ljk
Enc.
cc: Uxbridge Town Clerk


* * * * *

And you are directed to serve this warrant by posting up attested copies thereof, one at the Town Hall, one at DPW, one at the Uxbridge Post Office, one at the North Uxbridge Post Office, and one at the Linwood Post Office, at least seven (7) days before the time of holding said meeting, in accordance with M.G.L. Chapter 39, Section 10.

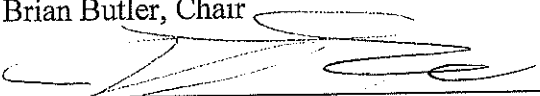
Hereof, fail not and make due return of this warrant, with your doings thereon, to the Town Clerk at the time of the meeting aforesaid.

Given under our hands this 16th day of March in the year 2021.

Uxbridge Board of Selectmen:



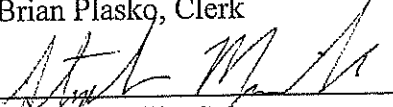
Brian Butler, Chair



Jeff Shaw, Vice Chair

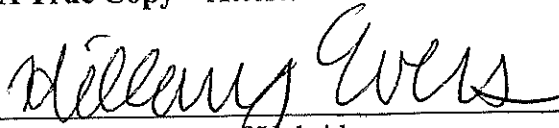


Brian Plasko, Clerk



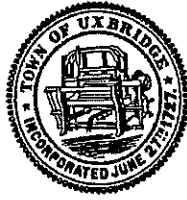
Steve Mandile, Selectman

A True Copy – Attest:



Constable, Town of Uxbridge

3/17/2021
Date



TOWN OF UXBRIDGE
OFFICE OF THE TOWN CLERK
Kelly J. Cote, CMC
21 South Main Street
Uxbridge, MA 01569-1851
508-278-8600 Ext. 2011

To Either of the Constables:

Greetings:

The attached Warrant for the May 15, 2021 Spring Annual Town Meeting is required to be posted at the following five (locations) locations:

Uxbridge Town Hall,

Uxbridge Post Office

North Uxbridge Post Office

Linwood Post Office

Department of Public Works Headquarters.

I, Hillary Evers, have posted a Warrant at each of the above stated locations.

Hillary Evers
Constable - Town of Uxbridge

March 17, 2021

Date

