

SPRING ANNUAL TOWN MEETING WARRANT

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

TABLE OF CONTENTS

Article	Subject	Page
	THE CONDUCT OF TOWN MEETING	2
Article 1	COMMITTEE REPORTS	4
Article 2	BILLS OF PRIOR FISCAL YEAR	4
Article 3	FY 2021 SNOW AND ICE DEFICIT	4
Article 4	TRANSFER FROM SEWER ENTERPRISE RETAINED EARNINGS	5
Article 5	TRANSFER FROM WATER ENTERPRISE RETAINED EARNINGS	5
Article 6	TOWN BUDGET	5
Article 7	WASTEWATER ENTERPRISE FUND BUDGET	5
Article 8	WATER ENTERPRISE FUND BUDGET	5
Article 9	CABLE PEG ACCESS TELEVISION ENTERPRISE FUND BUDGET	6
Article 10	TRANSFER FROM STABILIZATION TO OPEB	6
Article 11	RESCIND AUTHORIZED, UNISSUED DEBT	6
Article 12	REVOLVING FUND ACCOUNTS	6
Article 13	CARE AND CONDITION OF TOWN ROADS	7
Article 14	CMRPC PER CAPITA RATE/APPROPRIATION	7
Article 15	ADOPTION OF CHAPTER 60, §23B RAISE MUNICIPAL LIEN CERTIFICATE CHARGE	7
Article 16	LEASE AGREEMENT WITH UXBRIDGE YOUTH SOCCER LEAGUE	7
Article 17	GRANT OF EASEMENT FOR PURPOSES OF ESTABLISHING A BIKE PATH	7
Article 18	AMEND THE ZONING BYLAW LANGUAGE IN §400-23, NUMBER OF MARIJUANA ESTABLISHMENTS, AND MEDICAL MARIJUANA TREATMENTS CENTERS	8
Article 19	MARIJUANA DELIVERY LICENSE ADOPTION & AMEND SECTIONS OF THE ZONING BYLAWS	9
Article 20	AMEND THE SECTIONS OF THE ZONING BYLAWS WHICH ESTABLISH THE MAXIMUM NUMBER OF RETAIL MARIJUANA ESTABLISHMENTS	10
Article 21	CITIZEN'S PETITION - REZONING OF SUMMERFIELD AT TAFT HILL	10
Article 22	CITIZEN'S PETITION - ACCEPT TUCKER HILL ROAD AS A PUBLIC WAY	10
Article 23	CITIZEN'S PETITION - SELECT BOARD	10
Article 24	CITIZEN'S PETITION - EXTEND AGE RESTRICTED OVERLAY DISTRICT	10

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.

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**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



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

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

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

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

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

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

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

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

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

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

A T T O R N E Y S A T L A W

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:

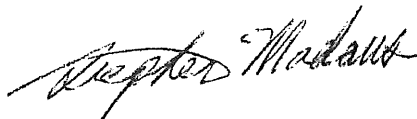
This firm represents High Ridge Development, Inc., owner of property located off of South Main Street in Uxbridge, known as the High Ridge Estates Subdivision (the "Property"). The Property is shown on a subdivision plan recorded at the Worcester District Registry of Deeds in Plan Book 794, Plan 94.

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,

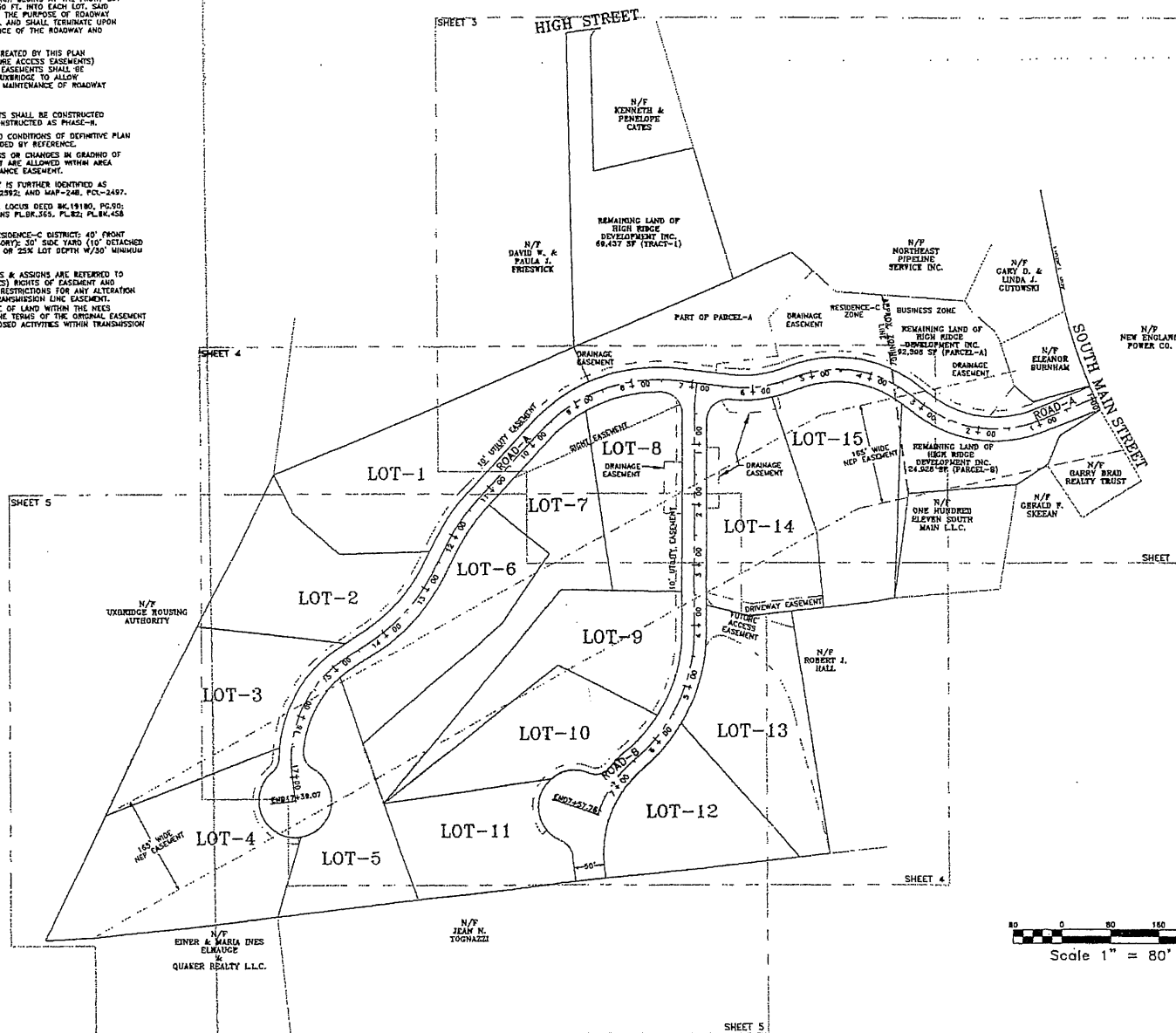


Stephen F. Madaus

SFM/ljk
Enc.
cc: Uxbridge Town Clerk

NOTES:

- 1) ALL LOTS ARE SUBJECT TO A 50 FT. WIDE TEMPORARY CONSTRUCTION EASEMENT, WHICH BEGINS AT THE FRONT LOT LINE (R.O.W.) AND EXTENDS 50 FT. INTO EACH LOT. SAID TEMPORARY EASEMENT IS FOR THE PURPOSE OF ROADWAY CONSTRUCTION, GRADING, ETC. AND SHALL TERMINATE UPON TOWN OF UXBIDGE ACCEPTANCE OF THE ROADWAY AND RELATED IMPROVEMENTS.
- 2) ALL OTHER EASEMENTS CREATED BY THIS PLAN (DRAINAGE, UTILITY, AND FUTURE ACCESS EASEMENTS) ARE PERMANENT. DEEDS OF EASEMENTS SHALL BE CONVEYED TO THE TOWN OF UXBIDGE TO ALLOW ACCESS, CONSTRUCTION, AND MAINTENANCE OF ROADWAY IMPROVEMENTS AND UTILITIES.
- 3) PROJECT PHASING: ROAD-A AND ASSOCIATED LOTS SHALL BE CONSTRUCTED AS PHASE-1 AND ROAD-B CONSTRUCTED AS PHASE-2.
- 4) UXBIDGE PLANNING BOARD CONDITIONS OF DEFINITIVE PLAN APPROVAL ARE HEREBY INCORPORATED BY REFERENCE.
- 5) NO STRUCTURES, PLANTINGS OR CHANGES IN GRADING OF MORE THAN 2 FEET IN HEIGHT ARE ALLOWED WITHIN AREA DESIGNATED AS A RIGHT OF WAY EASEMENT.
- 6) SUBJECT/LOCUS PROPERTY IS FURTHER IDENTIFIED AS ASSESSOR MAP-25, PARCEL-2592; AND MAP-248, PCL-2497.
- 7) PLAN & DEED REFERENCE: LOCUS DEED BK19180, PG.605; BK19182, PG.424; LOCUS PLANS PLUR.355, PL.82; PLUR.458 PL.54; PLUR.492, PL.17.
- 8) ZONING SETBACKS FOR RESIDENCE-C DISTRICT: 40' FRONT YARD (25' DETACHED ACCESSORY); 30' SIDE YARD (10' DETACHED ACCESSORY); 40' REAR YARD OR 25% LOT DEPTH W/30' MINIMUM (10' DETACHED ACCESSORY).
- 9) PROPERTY OWNERS' NOTES & ASSUMES ARE REFERRED TO NEW ENGLAND ELECTRIC (NEES) RIGHTS OF EASEMENT AND SPECIAL REQUIREMENTS AND RESTRICTIONS FOR ANY ALTERATION OF AND LAND WITHIN THE TRANSMISSION LINE EASEMENT. ANY DEEDS FOR CONVEYANCE OF LAND WITHIN THE NEES EASEMENT SHALL CONTAIN THE TERMS OF THE ORIGINAL EASEMENT PLUS CONDITIONS FOR PROPOSED ACTIVITIES WITHIN TRANSMISSION EASEMENTS.



APPROVED UNDER THE SUBDIVISION CONTROL LAW, PLANNING BOARD OF UXBIDGE.

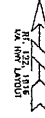
Mark J. Miller
John J. Miller
John C. Miller
Martin C. Miller

DATE: 7/26/00

THIS IS TO CERTIFY THAT NOTICE FROM THE PLANNING BOARD OF APPROVAL OF THIS PLAN WAS RECEIVED FROM THE PLANNING BOARD ON JULY 26, 2000, AND RECORDED BY ME (DATE) (AT TIME) AND NO NOTICE OF APPEAL FROM SUCH APPROVAL WAS RECEIVED BY ME DURING THE TWENTY DAYS NEXT AFTER RECEIPT AND RECORDING OF SUCH NOTICE OF APPROVAL.

DATE: 7/26/00

UXBRIDGE TOWN CLERK



GRAZ Engineering

323 West Lake Road
 (603) 685-0850

030447
 (603) 685-0850

HIGH RIDGE ESTATES - DEFINITIVE SUBDIVISION
 UXBIDGE, MASSACHUSETTS
 DEFINITIVE LOT LAYOUT (SHEET 1 OF 4)
 OWNER / APPLICANT: HIGH RIDGE DEVELOPMENT INC.
 30 LACKEY DAM RD., SUTTON, MA

I HEREBY CERTIFY THAT THIS IS A TRUE PLAN BASED ON FIELD AND THIS PLAN CONFORMS TO THE PLANS AND REQUIREMENTS OF RECORDS OF DEEDS & PLANS.

AS-WITNESSED
 A. WALSH
 DATE: JULY 26, 2000
 RECORDED
 JUNE 1, 2001
 JUNE 1, 2000

DRAWING SET
 SHEET 2 OF 4

FOR REGISTRY OF DEEDS USE

PLAN BOOK 794 PLAN 94


* * * * *

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.

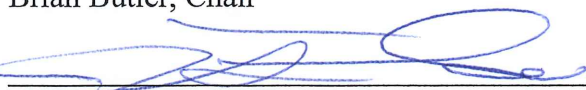
Hereof, fail not and make due return of this warrant, with your doings thereon, to the Town Clerk at the time of the meeting aforesaid.

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

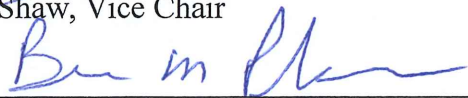
Uxbridge Board of Selectmen:



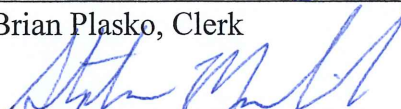
Brian Butler, Chair



Jeff Shaw, Vice Chair

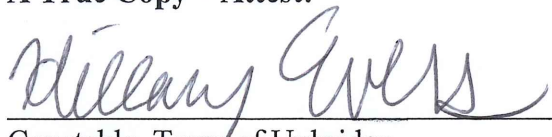


Brian Plasko, Clerk



Steve Mandile, Selectman

A True Copy – Attest:



Constable, Town of Uxbridge

3/17/2021
Date

