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**TOWN OF UXBRIDGE**  
**21 S. MAIN STREET, UXBRIDGE, MA 01569 – 508-278-8600**  
**BOARD OF SELECTMEN MEETING MINUTES**  
**BOARD OF SELECTMEN'S MEETING ROOM**  
**MONDAY, SEPTEMBER 8, 2014 – 6:00PM**

Present: Chair Jennifer Modica, Vice Chair/Clerk Jeff Shaw, Selectman Peter Baghdasarian and Selectman Lance Anderson. Also present Town Manager David Genereux and Administrative Assistant Tracey Ante.

Not Present: Selectman Tim Rice.

**I. CALL TO ORDER**

1. Announcements

- Senator Moore presented a State Flag to the Town for the Board of Selectmen's meeting room.
- The State Primary Election will be held tomorrow, Tuesday, 9/9/14 at McCloskey Middle School. Polls are open from 7:00am – 8:00pm. All are encouraged to get out and vote.
- The Special Town Meeting is Tuesday, 9/16/14 at the Uxbridge High School, Quaker Highway at 7:00pm. All are encouraged to attend.
- FATM – The deadline date for articles/petitions for the Fall Annual Town Meeting Warrant is Friday, September 19<sup>th</sup> at 5:00pm. The Town Manager's Office will be open until 5:00pm and the Town Clerk's office will be open, as needed.
- Chief Lourie commended Officer Paul Stuczynski for responding to a call that a dwelling was reported to be on fire. He identified a water source and assisted in extinguishing the fire with Chief Kessler. His immediate and decisive response mitigated further damage and property loss.

2. Citizen's Forum – No one wished to be heard.

**II. PUBLIC HEARING**

Application – Alteration of Premise – Progressive Club, 18 Whitin Street  
The Chair opened the public hearing. Mr. Ken Gouin and Mr. James O'Leary were present and discussed the alteration of premise. Following no public input, the Chair closed the public hearing. **MOTION: I, Mr. Anderson, move that the Board approve application for an Alteration of Premise for the Progressive Club, 18 Whitin Street, subject to a positive determination of the building inspector. Seconded by Mr. Baghdasarian, the motion carried 4-0.**

**III. NEW BUSINESS**

1. Integrity Motors Class II License (used cars) Quaker Highway – Assignment of LLC Membership Interest (change of ownership) to Mr. Tylor Benkoski  
**MOTION: I, Mr. Anderson, move that the Board approve and let the record reflect the Assignment of LLC Membership Interest to Mr. Tylor Benkoski for Integrity Motors, Quaker Highway. Seconded by Mr. Shaw, the motion carried 4-0.**

2. Purchase of Well field Protection Land – Depot Street  
Mr. Benn Sherman, DPW Director discussed that the Board consider purchasing the land surrounding the well field on Depot street for well protection. Following discussion, it was the consensus of the Board to have Mr. Sherman do additional research on the surrounding parcels. The Board will continue discussions at a future meeting.
3. Providence & Worcester Railroad Rail Work near CVS
  - Yale Street – no parking either side from Otis Street to East Hartford Ave.
  - Otis Street – no parking on south side of Otis Street
  - E. Hartford Avenue – road closure at Whitin Street to railroad tracks
  - Any other detours/road closures deemed necessary by Public Safety

**MOTION: I, Mr. Anderson, move that the Board approve the no parking restrictions/street closing during the duration of the Providence & Worcester Railroad Rail work near CVS as follows:**

- Yale Street – no parking either side from Otis Street to East Hartford Ave.
- Otis Street – no parking on south side of Otis Street
- E. Hartford Avenue – road closure at Whitin Street to railroad tracks; and
- Any other detours/road closures deemed necessary by Public Safety

**Seconded by Mr. Baghdasarian, the motion carried 4-0.**

4. Fall Annual Town Meeting Warrant of 11/18/14 – consider placement of warrant articles (placement memorandum attached).

**ARTICLE XX: ENGINEERING STUDY – INSTALLATION OF WATER/SEWER LINES TO SOUTH UXBRIDGE**

**MOTION: I, Ms. Modica, move that the Board place ARTICLE XX: ENGINEERING STUDY – INSTALLATION OF WATER/SEWER LINES TO SOUTH UXBRIDGE on the Fall Annual Town Meeting warrant of November 18, 2014. Seconded by Mr. Anderson, the motion carried 4-0.**

**ARTICLE XX: PAYMENT IN LIEU OF TAX AGREEMENT – BLANCHARD SCHOOL 65 HARTFORD AVENUE EAST**

Removed; Town Meeting approval not required

**ARTICLE XX: ACCEPTANCE OF M.G.L. CHAPTER 40, SECTION 58**

**MOTION: I, Ms. Modica, move that the Board place ARTICLE XX: ACCEPTANCE OF M.G.L. CHAPTER 40, SECTION 58 on the Fall Annual Town Meeting warrant of November 18, 2014. Seconded by Mr. Anderson, the motion carried 4-0.**

**ARTICLE XX: AMENDMENT TO THE GENERAL BYLAWS - AMENDMENTS TO APPROPRIATIONS**

**MOTION: I, Ms. Modica, move that the Board place ARTICLE XX: AMENDMENT TO THE GENERAL BYLAWS - AMENDMENTS TO APPROPRIATIONS on the Fall Annual Town Meeting warrant of November 18, 2014. The motion was not seconded. MOTION FAILED.**

**ARTICLE XX: ENTERTAINMENT BYLAW**

No votes or action was taken.

**ARTICLE XX: AMENDMENT OF CHAPTER 181 OF THE GENERAL BYLAWS**

MOTION: I, Ms. Modica, move that the Board place ARTICLE XX: AMENDMENT OF CHAPTER 181 OF THE GENERAL BYLAWS on the Fall Annual Town Meeting warrant of November 18, 2014. The motion was not seconded. MOTION FAILED.

**ARTICLE XX: PAYMENT IN LIEU OF TAX AGREEMENT - 15 BUXTON ROAD**

MOTION: I, Ms. Modica, move that the Board place ARTICLE XX: AMENDMENT OF CHAPTER 181 OF THE GENERAL BYLAWS PAYMENT IN LIEU OF TAX AGREEMENT - 15 BUXTON ROAD on the Fall Annual Town Meeting warrant of November 18, 2014. Seconded by Mr. Anderson, the motion carried 4-0.

**ARTICLE XX: AMENDMENT TO THE GENERAL BYLAWS - AMENDMENTS TO APPROPRIATIONS (Chapter 205 False Alarms)**

MOTION: I, Ms. Modica, move that the Board place ARTICLE XX: AMENDMENT TO THE GENERAL BYLAWS - AMENDMENTS TO APPROPRIATIONS (Chapter 205 False Alarms) on the Fall Annual Town Meeting warrant of November 18, 2014. Seconded by Mr. Shaw, the motion carried 4-0.

**ARTICLE XX: AMENDMENT OF CHAPTER 181 OF THE GENERAL BYLAWS**

MOTION: I, Ms. Modica, move that the Board place ARTICLE XX: AMENDMENT OF CHAPTER 181 OF THE GENERAL BYLAWS on the Fall Annual Town Meeting warrant of November 18, 2014. Seconded by Mr. Shaw, the motion carried 2-2 (Mr. Baghdasrian and Mr. Anderson opposed). MOTION FAILED.

**IV. OLD BUSINESS**

1. Appointment – Constable – Chief of Police – Jeffrey Lourie

MOTION; I, Mr. Shaw, move that the Board appoint Jeffrey Lourie as a Constable for the Town of Uxbridge. Seconded by Mr. Anderson, the motion carried 4-0.

**V. MEMBER ISSUES**

There was discussion on the following topics:

- Town Hall key card system
- Solar projects
- Police and Fire radio equipment issues

**VI. TOWN MANAGER**

The Town Manager updated the Board on the following topics:

- Attended various meetings regarding new solar projects
- Attended various meetings regarding STM Meeting, Finance Committee Public Hearings
- Mass Works Grants
- Update 95 Douglas street house demolition
- Abandoned Housing Initiative

**VII. MEETING MINUTES**

5/21/14 Meeting Minutes – revised – MOTION: I, Ms. Modica, move that the Board approve the 5/21/14 revised Meeting Minutes. Seconded by Mr. Anderson, the motion carried 4-0.

8/25/14 Meeting Minutes – MOTION: I, Ms. Modica, move that the Board approve the 8/25/14 Meeting Minutes. Seconded by Mr. Anderson, the motion carried 4-0.

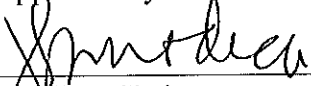
8/27/14 Meeting Minutes – **MOTION: I, Mr. Anderson, move that the Board approve the 8/27/14 Meeting Minutes. Seconded by Mr. Baghdasarian, the motion carried 3-0-1 (Mr. Shaw abstained).**

**VIII. ADJOURNMENT: NEXT REGULAR SESSION BOS MEETING, MONDAY 9/22/14 - 6PM**

At 7:50PM, Ms. Modica adjourned the meeting.

*Minutes respectfully submitted by, Tracey Ante*

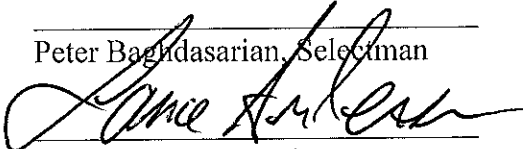
Minutes approved by Board of Selectmen:

  
\_\_\_\_\_  
Jennifer Modica, Chair

  
\_\_\_\_\_  
Jeff Shaw, Vice Chair/Clerk

\_\_\_\_\_  
Tim Rice, Selectman

\_\_\_\_\_  
Peter Baghdasarian, Selectman

  
\_\_\_\_\_  
Lance Anderson, Selectman

\_\_\_\_\_  
Date Approved

9/22/14



TOWN OF UXBRIDGE  
TOWN MANAGER  
21 South Main Street  
Uxbridge, MA 01569-1851  
508-278-8600 Fax 508-278-8605  
[dgenereux@uxbridge-ma.gov](mailto:dgenereux@uxbridge-ma.gov)

David Genereux  
Town Manager

September 8, 2014

To: Board of Selectmen  
From: David Genereux, Town Manager

**RE: Proposed Warrant Articles – Fall Annual Town Meeting (Updated)**

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Listed below are the expected warrant articles for discussion and/or placement on the Fall Annual Town Meeting warrant by the Board of Selectmen. The Fall Town Meeting takes place at 7:00 p.m., November 18, 2014 at the High School Auditorium, 300 Quaker Highway, Uxbridge, MA, 01569.

Article numbers and explanations are subject to change.

**ARTICLE XX: ENGINEERING STUDY – INSTALLATION OF WATER/SEWER LINES TO SOUTH UXBRIDGE**

To see if the Town will vote to transfer and appropriate a sum of monies from Water and Wastewater Enterprise retained earnings to the Water and Wastewater Enterprise Capital Funds to perform engineering and feasibility studies of running water and sewer lines into South Uxbridge for the purpose of resident assistance and economic development; or take any other action related thereto.

**SPONSOR:** Town Manager

**COMMENTARY:** *Passage of this article will authorize the Town to perform feasibility studies to determine the cost of running water and sewer lines into South Uxbridge. The Town would then use the study to apply for a Massworks grant to defray the costs of the project in June of 2015.*

**MOTION:** *Move if the Town will vote to transfer and appropriate \$ \_\_\_ from Water and \$ \_\_\_ from Wastewater Enterprise retained earnings to the Water and Wastewater Enterprise Capital Funds to perform engineering and feasibility studies of running water and sewer lines into South Uxbridge for the purpose of resident assistance and economic development pursuant to ;*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

**VOTE NEEDED:** Requires a simple majority vote.

**ARTICLE XX: PAYMENT IN LIEU OF TAX AGREEMENT – BLANCHARD SCHOOL  
65 HARTFORD AVENUE EAST**

Removed; Town Meeting approval not required

**ARTICLE XX: ACCEPTANCE OF M.G.L. CHAPTER 40, SECTION 58**

To see if the Town will vote to accept the provisions of M.G.L. Chapter 40, §58, to establish a municipal charges lien for the purpose of Treasurer/Collector fees & charges; or take any action relative thereto.

**SPONSOR:** Town Manager

**COMMENTARY:** *The article requests acceptance of a section of MGL which allows a city or town to establish a municipal charges lien, which will be added to the real estate tax bill of individuals who owe the Town for the specific charges listed in the article.*

**MOTION:** *Move that the Town will vote to accept the provisions of M.G.L. Chapter 40, Section 58, to establish a municipal charges lien for the purpose of unpaid treasurer/collector charges and fees.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

**VOTE NEEDED:** Requires a simple majority vote.

**ARTICLE XX: AMMENDMENT TO THE GENERAL BYLAWS - AMENDMENTS TO  
APPROPRIATIONS**

To see if the Town will vote to amend Chapter 125 of the general bylaws of the Town of Uxbridge by adding §125-21 – Amendments to Appropriations, which shall read “Any motion or amendment to increase any monetary articles or line items from that proposed by the Town Manager and recommended by the Finance Committee, presented at any Town Meeting, shall be ruled as out of order by the Moderator, unless such motion or amendment specifies the source of funding for said motion or amendment, being a transfer from available free cash, prior town meeting article or stabilization fund, or reduction of budget line item or items, provided that such transfer request is allowable per MGL;

Or take any other action in relation thereto.

**SPONSOR:** Board of Selectmen

**COMMENTARY:** *This article requires that any individual making a motion or amending a motion which will increase any budget line item that has not been presented by the Town Manager and approved by the Finance Committee must also provide the source of funding for said increase.*

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

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

**VOTE NEEDED:** Requires a simple majority vote.

**ARTICLE XX: ENTERTAINMENT BYLAW**

**ARTICLE XX: AMENDMENT OF CHAPTER 181 OF THE GENERAL BYLAWS**

To see if the Town will amend the Chapter 181 of its general bylaws by adding ARTICLE III - Material Fill, which shall read:

**§ 181-11. Permit required.**

The filling in of any parcel of land with materials from another parcel, either within or without the borders of the Town of Uxbridge is prohibited unless a written permit therefor is obtained from the Board of Selectmen as hereinafter provided.

**§ 181-12. Application for permit.**

- A. Any person wishing to obtain a permit to fill any parcel of land within the Town shall file a written application with the Board of Selectmen, which shall include the following information and documentation:
- (1) The legal name and address of the applicant.
  - (2) The location of the property to be filled.
  - (3) The legal name and address of the owner of the property to be filled.
  - (4) A list of abutters, and abutters to abutters, within 300 feet of the location of the proposed property to be filled, 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 fill in and all abutting land within 100 feet of the proposed area to be filled. 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 fill is completed, showing typical cross-section of the proposed final cover as well as any drainage or other structures that may be necessary.
  - (7) Any additional conditions that may be attached to the permit.

**§ 181-13. Procedure for issuing license.**

- A. Prior to issuing any permit hereunder, the 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 Board shall also send notice of the application to the Board of Health, Conservation Commission, and Planning Board of the Town and request such comment or advice as said Boards or Commission may deem appropriate.
- C. If, after hearing, the Board determines that the license application conforms to the requirements of § 181-2 hereof, and that the licensed operation would conform with the requirements of public health and welfare and be consistent with the sound development of the Town, the Board may issue such license upon the terms specified in this bylaw and subject to such additional conditions as the Board may determine to be necessary.

- D. The Board of Selectmen may by regulation prescribe forms for initial applications, extensions, and renewals, and such forms may require such additional information as the Board of Selectmen shall determine to be necessary.

**§ 181-14. Conditions of license.**

Each copy of an application for a large project filling permit to the Board of Selectmen shall be accompanied by a written statement describing the proposed regulated activity, together with the following information:

- A. Soil management plan. The soil management plan shall be signed by a Massachusetts licensed site professional (LSP). The LSP shall specifically state that "The subject plan meets the requirements of Uxbridge's Earth Filling Bylaw and any other applicable federal or state law or regulation pertaining to the transport, use and/or disposal of earth and other materials for fill."

The soil management plan must contain sufficient detail to document that the requirements of this Earth Filling Bylaw will be met. The plan shall specifically require that bills of lading in the form specified by the Board of Selectmen and procedures approved by the Board of Selectmen will be exclusively used for the transport and acceptance of earth materials for fill.

The soil management plan shall include the following at a minimum and shall include any other information required by the Board of Selectmen:

- (a) Complete descriptions of pre-fill environmental conditions and findings and sample locations;
- (b) Procedures for verification of fill material origin and acceptance;
- (c) Recordkeeping practices;
- (d) Site security, fill operation inspection and site control;
- (e) Transport routes, times and days of operation, locations of equipment parking and storage and duration of fill activities;
- (f) Qualifications of applicant personnel responsible for adhering to the soil management plan and this bylaw;
- (g) Erosion, dust, and stormwater controls and inspection and maintenance thereof;
- (h) Effects of the filling on groundwater recharge;
- (i) Quality assurance/quality control procedures;
- (j) Emergency response and notification procedures, including telephone numbers and contact individuals/firms;
- (k) Total proposed earth material fill volume;
- (l) Daily personnel procedures and operation management procedures, including types, numbers, locations and hours of operation of any processing equipment on site;
- (m) Environmental monitoring plan to maintain protection of human health, public safety, welfare and the environment during and following fill operations; and



- (n) Cover material, revegetation, erosion and pollution control, and monitoring and maintenance plan.
- B. Site plan. If filling involves more than 2,000 cubic yards of fill, a registered land surveyor or engineer shall prepare the site plan. The site plan shall depict the following information:
- (a) Existing conditions, including grades, man-made features, elevations, property boundaries, dimensions, owners of land who are entitled to notice under § 181-13A of this bylaw, access points, water bodies and watercourses, wetlands, and environmental sample locations;
  - (b) Process diagrams indicating fill sequence, transport routes, and security measures;
  - (c) Drainage, water flow and sedimentation control before and after the proposed filling and stormwater and erosion control and groundwater recharge structures and features to be utilized during fill operations;
  - (d) Final grade plans depicting proposed finish fill elevations, slopes, permanent stormwater and erosion control and groundwater recharge structures and features, the methods of final stabilization of fill material and the proposed cover material and cover vegetation;
  - (e) Unless otherwise determined by the permit granting authority, map scales shall be no more than 60 feet to the inch and elevation contour intervals shall not exceed two feet. Elevation contours are required only for areas of fill, 100 feet beyond the perimeter of the fill areas and along abutting property lines. Appropriate permanent benchmarks with elevations marked thereon and referenced to the National Geodetic Vertical Datum (NGVD) shall be placed in the field and shown on the plans.
- C. No work shall commence until security by surety bond, cash, or other approved method is provided to insure that the work will be carried out in accordance with the license 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

**§ 181-15. Standards for filling.**

- A. Permitted fill materials. All fill materials shall include only clean sand, gravel, clay, stone, quarried rock or other subsurface products free from solid waste, with an aggregate size of six inches or less, and have no solid waste, refuse, junk, industrial waste, or volatile, explosive or flammable materials. The fill material shall have no concentration of oil or hazardous material, toxic substance or infectious biological material greater than federal, state or local reportable or action criteria or materially greater than pre-fill conditions prevailing in the area to be filled. The fill material shall also be free from organic material such as trees, stumps, garbage, building materials, and construction and demolition debris and shall contain 15% or less of total organic carbon by lab analysis.
- B. Site preparation. The area to be filled shall be cleared of stockpiled or otherwise disposed of organic and inorganic materials, such as fallen trees and brush, tree stumps, rubbish, junk, building/construction/demolition materials, and any other accumulated debris. Topsoil shall also be removed from the area to be filled prior to filling. The area

to be filled corresponds to the horizontal limits of the fill activity as represented on a plan view drawing.

- C. Fencing and gates. Temporary fencing, where deemed appropriate by the permit granting authority for the protection of the general public during fill operations, shall be at least six feet high with suitable gates to exclude unauthorized persons from the site.
- D. Groundwater recharge and drainage. Provision shall be made for promoting groundwater recharge, for preventing increased runoff from the site and for safe drainage of water, for preventing excessive water accumulation, and for preventing wind or water erosion from carrying material onto adjoining properties.
- E. Cleaning of vehicles, roads and streets; covering of loads. Provisions shall be made for the cleaning of all vehicles before they leave the site and for daily cleaning of all public roadways in the vicinity of the site that have been affected by vehicles engaged in filling activity. Provisions also shall be made for covering loads in vehicles traveling on public roadways.
- F. Dust control. Dust shall be controlled through watering or other appropriate means.
- G. Buffer strips. The permit granting authority may require that a twenty-foot buffer strip shall be maintained at all boundaries and not disturbed.
- H. Screening of processing equipment. The visibility, sound, and airborne particulates from processing equipment shall be screened from adjacent premises through the design and location of such equipment and through use of natural vegetation, planting, overburden piles, and surge piles as screening.
- I. Final cover. All filling shall require coverage with a minimum of four inches of organic topsoil and shall be seeded and mulched to stabilize the fill material. Where filling is incidental to facilitate parking of vehicles, the fill material shall be covered by a suitable binding material to prevent airborne dust and erosion.
- J. Finish elevations and grading. The permit granting authority may specify finished grades, elevations and contour intervals which filling will conform to. Final fill material grades shall conform in contour, slope, and elevation to the natural topography of the surrounding area or preexisting contours as evidenced by historical maps or photographs. Final grading shall incorporate stabilization measures and slopes of no more than 15% to prevent erosion, structural failure of fill materials, ponding of water, or excessive stormwater drainage onto abutting properties.
- K. Additional conditions. The permit granting authority may set reasonable conditions in addition to the above, including but not limited to duration of the permit, hours of the day during which filling may take place, maximum load sizes, truck routes to be used to access the site, and grasses, shrubs and trees to be planted.
- L. Inspections, certifications, reports and tests. While considering an application and/or as a condition of issuing a permit, the permit granting authority may require such borings and test pits, inspections, monitoring, certifications, reports and tests by licensed site professionals, engineers, laboratories and/or other qualified persons as are deemed by the permit granting authority to be needed to evaluate the application and/or to monitor performance under a permit and/or to establish compliance with the conditions of a permit and this bylaw. It shall be a condition of all permits that the applicant pay for all such borings and test pits, inspections, monitoring, certifications, reports and tests and that they be conducted by persons selected by and responsible to the permit granting authority. Payments received from applicants for such borings and test pits, inspections,

monitoring, certifications, reports and tests shall be deposited into a revolving fund authorized annually by Town Meeting pursuant to MGL c. 44, § 53E 1/2. Failure of any applicant or permit holder to make timely payment of any application fee or of any fees for any borings and test pits, inspection, certification, monitoring, report or test or to carry out any step or to submit any information required by the permit granting authority shall be grounds for denial of a permit and/or for issuance of a cease and desist order and/or for revocation of the permit.

#### **§ 181-16. Permit terms; inspection; suspension and revocation.**

No permit shall be issued under the provisions of this bylaw to extend for a term of more than one year. Prior to filling and at any time during a permitted filling activity, inspection of the premises may be made by the permit granting authority or its agents on reasonable advance notice to determine whether or not the provisions of the Town bylaws and any permit are being complied with. If the permit granting authority determines that the provisions of the bylaw or the provisions of any permit are being violated, the permit granting authority may issue a temporary cease and desist order, which shall remain in effect until terminated in writing by the permit granting authority. If, after notice to the permit holder(s) and a public hearing, the permit granting authority determines that the conditions of any large or small project filling permit are not being complied with, the permit granting authority may revoke the permit, after which the operation shall be discontinued and the area restored in accordance with the orders of the permit granting authority.

#### **§ 181-17. Documentation requirements.**

1. Permit required to commence filling operations. No fill operations are to commence until a letter indicating the granting of a permit and, if required, receipt and acceptance of the soil management plan and the site plan has been issued to the applicant by the permit granting authority.
2. Bills of lading and LSP letters. Each permit holder shall file a bill of lading with the Town Manager for each load of fill placed within the Town. Each bill of lading document shall be accompanied by a signed and dated letter from an LSP which specifies:
  - (a) The point of origin of the material and the receiving location for the material;
  - (b) That the material is not otherwise prohibited from use as fill material in accordance with this bylaw or other applicable federal or state laws, regulations, standards or guidelines; and
  - (c) That the LSP has compared analytical results of testing of the fill materials to the existing, pre-fill conditions at the fill location and determined:
    - (1) That the concentration of the substances in the materials intended for use as fill are not significantly greater than existing, pre-fill conditions for that location; and
    - (2) That the fill material complies with the requirements of § 181-15A of this bylaw.
3. Weekly documentation requirements. Copies of bill of lading documents and required LSP letters covering all fill placed during each week of filling operations are to be provided to the Town Manager by the end of business on the fifth business day following

each week of active operation. Failure to provide these records on a weekly basis will result in suspension of fill activities.

**§ 181-18 Enforcement; violations and penalties; fees.**

A. Enforcement action. The Town Manager of the Town is hereby designated as the officer charged with the enforcement of this bylaw. The Town Manager, upon a written complaint of any Town citizen or property owner or upon such officer's own initiative (in either case after consultation with the Board of Selectmen), shall institute any appropriate action or proceedings in the name of the Town to prevent, correct, restrain or abate violation of this bylaw. In the case where the Town Manager is requested in writing to enforce this bylaw against any person allegedly in violation of the same and the Town Manager declines to act, the officer shall notify, in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefor.

B. Fines. Violation of this bylaw shall be punishable by a fine of \$100 for each offense. Each day that such violation continues shall constitute a separate offense. Fines shall be recovered by indictment or on complaint before the district court initiated by the Town Manager, or, as an alternative to initiating criminal proceedings, the Town Manager may give the offender a written notice to appear before the clerk of the district court not later than 21 days after the date of such notice for a noncriminal disposition in accordance with MGL c. 40, § 21D.

C. Other laws or regulations. This bylaw shall not be construed to authorize the use of any land or structure for any purpose that is prohibited by any other provision of the General Laws or by any other bylaw, rule or regulation of the Town, nor shall compliance with any such provision authorize the use of any land in any manner inconsistent with this bylaw, except as required by the General Laws.

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

E. Fees. The following fees shall apply to applications under this bylaw:

- (1) For permits allowing filling of from 500 to 2,000 cubic yards in any twelve month period, the application fee shall be established by the Board of Selectmen.
- (2) For permits allowing filling over 2,000 cubic yards, the application fee shall be established by the Board of Selectmen.

**§ 181-19. Transitional rules.**

All earth filling that takes place after the effective date of this bylaw shall be subject to the requirements of this bylaw. All persons engaged in non-exempt earth filling of any lot in the Town when this bylaw becomes effective shall file an application for a permit under this bylaw within 30 days thereafter. If the Board of Selectmen determine in their reasonable discretion that such a person has not filed a required application on time, then they may issue a temporary order to suspend or limit such operations. Any such temporary order shall remain in effect until terminated or modified or license is granted by the Board of Selectmen. Any fill placed in the Town pending the granting of a permit under this bylaw shall be subject to the documentation requirements of § 181-17-2 and 3 of this bylaw and to the fees provided for under § 181-17E.

**SPONSOR:** Town Manager

**COMMENTARY:** *Passage of this bylaw will allow for regulation of fill being brought from other sites, either inside or outside of the Town. Currently, the Town has no way to regulate these activities.*

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

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

**VOTE NEEDED:** Requires simple majority vote

**New Articles:**

**PAYMENT IN LIEU OF TAX AGREEMENT - 15 BUXTON ROAD**

To see if the Town will vote to authorize the Board of Selectman 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 personal property taxes over a 20 year period relative to a 6.5 acre +/- parcel of land located at 15 Buxton Road, 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 1.0 megawatts effective July 1, 2015 through June 30, 2035.

or take any other action relating thereto.

**SPONSOR:** Town Manager

**COMMENTARY:** *Passage of this article will authorize the Board of Selectmen to enter into negotiations with a solar energy developer on a parcel of privately owned land on 15 Buxton Street. There is currently no agreement in place on this parcel. MGL requires PILOT agreements to collect essentially the same amount of revenue that would be generated if the subject property and equipment was subject to full and fair taxation. MGL C. 59, §38H requires a vote by Town Meeting in order to either authorize negotiations for a new agreement or to ratify an agreement that is already negotiated. This vote seeks to authorize negotiations.*

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

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

**VOTE NEEDED:** Requires a simple majority (MGL Ch. 59, §38H)

**ARTICLE XX: AMMENDMENT TO THE GENERAL BYLAWS - AMENDMENTS TO APPROPRIATIONS**

To see if the Town will vote to amend the general bylaws of the Town of Uxbridge by adding Chapter 205 False Alarms -- Police and Fire, which shall read:

**§ 205-1. Purpose**

The purpose of this By-law is to reduce the number of false alarms and to promote the responsible use of alarm devices in the Town.

**§ 205-2. Definitions**

As used in this bylaw, the following terms shall have the following meanings:

**ALARM DEVICE:** Any device which, when activated, calls for a police or fire response and (i) transmits a signal to police or fire headquarters, (ii) transmits a signal to an external entity who relays information to the Police, or Fire Department or (iii) produces

an audible or visible signal to which the Police or Fire Department are expected to respond. Excluded from this definition and the scope of this By-law are devices which are designated to alert or signal only persons within the premises in which the device is installed and devices which are activated by the release of water from a sprinkler system.

**ALARM USER:** The owner of any premises on which an alarm device is used, provided that an occupant who expressly accepts responsibility for an alarm device by registration, pursuant to this By-law, shall be deemed the alarm user.

**AUTOMATIC DIAL ALARM:** A telephone device or attachment that mechanically or electronically selects a telephone line to the Police or the Fire Department and produces at the Police or Fire station a prerecorded voice message reporting a criminal act, fire, or other emergency calling for police or fire response.

**CONTRACTOR:** Any individual, firm, or corporation in the business of supplying and installing alarm devices or servicing the same.

**FALSE ALARM:** Any activation of an alarm device to which the Police or Fire Rescue Department responds and which is not caused by a criminal act, fire, or other emergency, except an activation caused by:

- (i) Malfunction of telephone company equipment or lines as verified by monitoring facilities at police or fire headquarters, or as verified by the Administrator, or
- (ii) Power failure as verified by the Administrator.

### **§ 205-3. Administrators.**

There shall be Administrators for alarm devices who shall have the powers and duties granted under this By-law. The Police Chief or his or her Designee and the Fire Chief or his or her Designee shall be the Administrators.

### **§ 205-4. Registration required.**

Each alarm user shall register his or her alarm device with the Administrator prior to use, provided that alarm devices in use as of the effective date of this By-law may be registered no later than sixty (60) days from such date.

### **§ 205-5. Registration procedure.**

Alarm device registration shall be accomplished by filling out a form provided by the appropriate Administrator. It shall include information concerning the identity of the prospective alarm user, the identity of the alarm user's contractor, if any, and the nature of the proposed alarm device. The Administrator shall issue the alarm user written acknowledgment of proper registration.

Every alarm user shall submit to the appropriate Administrator the names and telephone numbers of a sufficient number of persons who can be reached at any time, day or night, and who are authorized to reset, repair, or otherwise respond to an emergency signal transmitted by an alarm device. It shall be the user's responsibility to keep this list current at all times.

**§ 205-6. Confidential Information.**

All information in the possession of the Administrators and the Police or Fire Department concerning particular alarm users and particular alarm devices shall, to the extent permissible under State law, be confidential and shall not be divulged without the written consent of the alarm user or users concerned.

**§ 205-7. Automatic Dialer Alarms.**

An automatic dial alarm system shall not be allowed to be connected to the Police Department or Fire Department.

**§ 205-8. Exterior Audible Devices.**

Unless required by law, no alarm device, which produces an exterior audible signal, shall be installed unless its operation is automatically restricted to a maximum of fifteen (15) minutes. Any alarm device in use as of the effective date of this By-law must comply with this section within one hundred twenty (120) days of such date.

**§ 205-9. False Alarm Fees.**

When the Police Department or Fire Department have responded to two false alarms within a one year timeframe, the appropriate Administrator shall impose a fee on the responsible alarm user for each additional false alarm. In instances where both the Police and Fire Departments respond to a false alarm, the Administrator shall be the Fire Chief or his or her Designee.

**§ 205-10. Fees.**

The fees charged pursuant to this bylaw shall be established by the Board of Selectmen

**§ 205-11. Notification and Appeal.**

The Administrator shall notify the responsible alarm user of any false alarm fee by mail within thirty (30) days. After the mailing of such notice, the alarm user may file with the Administrator information to show that the alarm was not a false alarm. The Administrator shall, within thirty (30) days, consider such information, reaffirm or rescind the false alarm fee, and notify the alarm user of his or her decision by mail. Within thirty (30) days after mailing of such notice, the alarm user may file a written appeal with the Town's Hearing Officer as appointed by the Town Manager.

**§ 205-12. Appeal to the Town Hearing Officer.**

Upon receipt of a timely appeal from a false alarm fee, the Town Hearing Officer shall hold a hearing. At least fifteen (15) days before the hearing, he or she shall mail notice of the time and place of said hearing to the alarm user making the appeal at his or her last known address. On the basis of information provided by the alarm user and other information introduced at the hearing, the Town Hearing Officer shall affirm the fee if he or she finds that the fee was properly imposed, or rescind the fee if the fee was not properly imposed.

**§ 205-13. Refusal or Failure to pay fee.**

Refusal or failure to pay a fee properly levied shall result in an additional penalty set by the Board of Selectmen. Refusal or failure to pay fee may also result in denial, revocation or suspension of licenses and permits per Chapter 233 of the general bylaws of the Town.

**§ 205-14. Exceptions.**

The provisions of this By-law shall not apply to alarm devices on premises owned or controlled by the Town nor to alarm devices installed in a motor vehicle or trailer.

**§ 205-15. Severability.**

The invalidity of any portion of this By-law shall not affect the validity of the remainder.

**ARTICLE XX: AMENDMENT OF CHAPTER 181 OF THE GENERAL BYLAWS**

To see if the Town will amend the Chapter 181 of its general bylaws by deleting the text of § 181-1 in its entirety, and adding the following section which shall read:

**§ 181-1. Permit required/Exemptions.**

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 Board of Selectmen as hereinafter provided.

A permit shall not be required for the following:

- A. Removal of earth incidental to and reasonably required in connection with the construction of any building, appurtenant walk, or driveway, septic system, swimming pool, or other accessory uses and expansions thereto, for which all permits required by the Town of Uxbridge have been granted, provided the quantity of materials removed shall not exceed that displaced by the portion of the building or accessory use below grade;
- B. Removal of earth for the construction, maintenance, and repair of existing roadways within the Town including the installation of utilities and appurtenances;
- C. Removal of earth from land in public use;
- D. Removal of earth in compliance with the specific requirements of an approved subdivision plan; not including individual house lot development;
- E. Removal of earth in the course of customary agricultural use of land as part of the normal operation of a farm, garden, cemetery, or landscaping activity.

The above exemptions do not apply to any activity which involves soil or loam stripping or topographical changes, which shall be considered gross landscape modifications, defined as an alteration of more than 50% of any single lot of more than one acre of land, whichever is less. The Building Inspector shall determine the validity of all activities being performed pursuant to any of the above exemptions.

Please contact me with any questions.