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TOWN OF UXBRIDGE
21 S. MAIN STREET, UXBRIDGE, MA 01569 – 508-278-8600
BOARD OF SELECTMEN'S MEETING MINUTES
BOARD OF SELECTMEN'S MEETING ROOM
TUESDAY, SEPTEMBER 8, 2015 – 6:00PM

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

I. CALL TO ORDER

1. Announcements – The FATM warrant closes on Friday, 9/11 for receipt of articles. The Town Manager's Office will be open Friday until 5:00pm.
2. Citizen's Forum – Mr. Justin Piccirillo, 47 N. Main Street addressed concerns that he had when dealing with Michael Potaski, Chair of the Historic District Commission and Doug Scott, Building Inspector. He had various discussions, numerous appointments and meetings for a permit that was not required for the fence he built on his property.

II. NEW BUSINESS

1. Update Route 122 Water Main Project – Mr. Benn Sherman, DPW Director discussed the Route 122 Water Main Project. Detailed information on the project is located on the town's website.
2. Fall Annual Town Meeting Warrant 11/10/15 – placement of warrant articles – Mr. Genereux discussed the proposed articles for placement on the warrant. Following discussion, **MOTION: I, Mr. Shaw, move that the Board place the articles noted in the memorandum dated 9/8/15 on the Fall Annual Town Meeting Warrant. Seconded by Mr. Hogan, the motion carried 5-0, with the exception of the Stormwater Bylaw which Mr. Baghdasarian opposed (4-1).**

III. OLD BUSINESS

IV. MEMBER ISSUES

The Board discussed the resident complaint that they heard under Citizen's Forum. Board members continuously hear complaints from residents about the Building Inspector. The Board will discuss this at a future meeting in Executive Session following proper notice to the inspector.

V. TOWN MANAGER

The Town Manager updated the Board on the following topics:

- Massworks Grants completed
- Owner's Project Manager – Fire Station Project

VI. EXECUTIVE SESSION

Foss V. Town of Uxbridge – Pond Street

Mr. Anderson recused himself and left the meeting at 7:18pm.

VII. ADJOURNMENT: NEXT REGULAR SESSION BOS MEETING 9/14/15

At 7:20PM, MOTION: I, Ms. Modica, move that the Board enter into executive session, with no further business to follow, to discuss Foss V. Town of Uxbridge. Seconded by Mr. Baghdasarian, the motion carried by roll call vote – Modica – aye, Shaw – aye, Hogan – aye, Baghdasarian – aye.

Minutes respectfully submitted by, Tracey Ante.

Minutes approved by Board of Selectmen:

Jennifer Modica, Chair

Jeff Shaw, Vice Chair

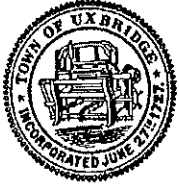
Jim Hogan, Clerk

Peter Baghdasarian, Selectman

Lance Anderson, Selectman

Date: _____

9/14/15



TOWN OF UXBRIDGE
TOWN MANAGER
Town Hall Room 102
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Uxbridge, MA 01569-1851
508-278-8600 Fax 508-278-8605
dgenereux@uxbridge-ma.gov

David Genereux
Town Manager

September 8, 2015

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

RE: Proposed Warrant Articles

Listed below is a list of draft articles for discussion and/or placement on the Fall Annual Town Meeting warrant by the Board of Selectmen. Please be advised that the wording of the articles themselves are subject to change.

ARTICLE 1: REPORTS

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.

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.

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.

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 Fall Annual Town Meeting.
Or take any action relating thereto.

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

To see if the Town will vote to authorize the Town Manager to negotiate a PILOT agreement pursuant to G.L. C. 59, §38H, pursuant to acceptance by the Board of Selectmen, 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 --- 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.

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 town-owned property, by leasing and authorizing the replacement of an existing ground mounted cell tower, encompassing about 2300 square feet +/-, located at 21 S. Main Street, Uxbridge Ma, 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 the this article, the Town authorizes the Town Manager to negotiate any agreements pursuant to an affirmative vote of the Board of Selectmen, pursuant to G.L. C. 59, §38H, and regulations promulgated thereunder, and furthermore the Town authorizes the Town Manager to execute any and all instruments as may be necessary pursuant to a favorable vote by the Board of Selectmen;
Or take any other action related thereto.

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

To see if the Town will vote to accept an access easement for the repair, construction and maintenance of a 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.
Or take any other action relating thereto.

ARTICLE 9: ACCEPTANCE OF LAND DONATION – MULTIPLE PARCELS

To see if the Town will vote 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 of record.
Or take any other action related thereto.

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.”

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. Enforcements.

§ 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, and 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 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 diffuse 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 land 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 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 of 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, with involvement from the Department of Public Works, the Conservation Administrator and/or Conservation Commission, the Board of Health, and other Boards and/or Departments to administer, implement, and enforce 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 their invalidity 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 incorporate the policy, criteria and information including specifications and standards of the latest edition of the Massachusetts Storm water Handbook, to execute 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 as a result 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. Further relief of a decision by the Storm Water Authority made under this Bylaw shall be reviewable in the Superior Court in 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) 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, 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) for the property with the following exceptions:
 - 1. Any activity that will disturb an area less than one acre (43,560 [gross] square feet) of a property.

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 crops and/or pasture;
4. Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling;
5. Repair or replacement of an existing roof of a single-family dwelling;
6. Construction of a single-family family dwelling, where approval is not required, as defined in the Subdivision Control Law, 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 on another lot or onto streets either during construction or upon completion. 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 associated with 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 or practice that poses a threat to public health or safety, or 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 septage 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 issued as permitted under Section 4 of this Bylaw.

§ 290-7. Enforcements.

The Planning Board or its designee shall enforce these Regulations, and may pursue all remedies for violations, including a written enforcement order. If remediation is required, the order may set forth a deadline when work shall be completed. Said order may advise that failure to remedy violations may require the Town of Uxbridge to correct violations and to obtain reimbursement from the property owner. 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 administrative costs.

Any person, who violates any provision of the Town of Uxbridge Storm Water Bylaw, or any Regulation, 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 shall constitute a separate offense.

§ 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 do not exclude 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 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.

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 and inserting a new Chapter 181 Excavations, to read as follows:

Chapter 181

EXCAVATIONS

ARTICLE I

Earth Removal

ARTICLE II

Barriers

§ 181-1. Purpose.	§ 181-10. Safety measures required.
§ 181-2. Permit required.	§ 181-11. Barriers - violations and penalties
§ 181-3. Application for permit.	
§ 181-4. Procedure for issuing permit.	
§ 181-5. Conditions of permit.	ARTICLE III
§ 181-6. Duration of permit.	
§ 181-7. Annual reports and inspections.	Procedure
§ 181-8. Permit fees.	
§ 181-9. Violations and penalties.	§ 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.

**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.
- § 236-3. Authority.
- § 236-4. License Required.
- § 236-5. Posting of name and occupation.
- § 236-6. Regulated property.
- § 236-7. License applications – general.
- § 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.
- § 236-18. Articles to remain on premises.
- § 236-19. Examination of articles and shop.
- § 236-20. Removal of articles by police officers.
- § 236-21. Rules and regulations.
- § 236-22. Fees.
- § 236-23. Enforcement and Violations.

GENERAL REFERENCES

§236-1. Purpose.

The primary 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. deter and prevent the sale of stolen goods and;
- C. as an aid to law enforcement 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 article 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” 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 described within 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 or platinum 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 in excess of \$100.00.
- K. BUSINESS: the sole proprietorship, partnership, firm or corporation engaged in the practice of trading in the articles defined within this bylaw

§236-3. Authority.

The Uxbridge Board of Selectmen, as the licensing authority issues licenses and regulation of secondhand dealers, pawnshops & precious metals dealers for 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 these rules and regulations promulgated by the Board of Selectmen in accordance with M.G.L. C. 140, § 54.
- 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. The 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, only permanent business locations.
- C. Licenses awarded under this section shall be 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 renewed annually and effective January 1st of each year.
- E. No license may be transferred to another person, entity or business location, without approval by the licensing authority.
- F. The license 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 some suitable and conspicuous place in his shop, residence, or other place where he conducts business, a sign having his name and occupation legibly described thereon on a sign 15 x 20 inches. Such shop and all articles purchased therein, may at all times, be examined by the Police Chief or his designee.

§236-6. Regulated Property.

Any proprietor of business who regularly buys, sells, exchanges, or deals with any articles in excess of \$100.00 for resale is considered regulated property.

§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 a license should be approved, modified or denied; however the final decision shall be at the sole discretion of the Board of Selectman.

§236-8. Issuance and renewal of licenses.

The licensing authority of the Town of Uxbridge may deny or modify 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 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) a lawful inspection during regular business hours of the proprietor's premise, books, forms or records by the Police Chief or his designee has been unjustifiably refused by a person who, in part or whole, manages or operates the business;
 - (5) the proprietor or any person who, in part or whole, owns, manages or operates the business on behalf of the proprietor has 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;
 - (6) the proprietor, or any person who, in part or whole, owns, manages or operates the business on behalf of the proprietor has 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; and/or,
 - (7) such other grounds as the Licensing Authority determine to be in 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.
- D. the business has been found to constitute a public nuisance.

§236-9. Suspension.

- A. Violation of any section of this article shall cause the suspension of the license for 60 days for the first offense, one year for the second offense and a permanent suspension for the third offense.
- B. More than one violation at any one time shall cause suspension of the license permanently.

§236-10. Revocation – General.

Any license granted under this bylaw may be revoked and annulled by the licensing authority. No such license, shall entitle any person to a continuance of such license, permission, or right acquired.

§236-11. 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.

§236-12. 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.

§236-13. 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.

§236-14. 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 identification 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.

§236-15. 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.

§236-16. 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.

§236-17. 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.

§236-18. 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.

§236-19. 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.

§236-20. 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 courts 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 said property and return the same to them.

§236-21. Rules and regulations.

The licensing authority the Board of Selectmen may adopt rules, regulations and policy governing the issuance and 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 by this Regulation.

§236-22. Fees.

- A. The annual fee for the business license businesses licensed pursuant to this bylaw shall be set by the Board of Selectmen.

§236-23. Enforcement and Violations.

- A. Violation of any provision of this Regulation may be prosecuted as a criminal matter or as an administrative procedure or by the method provided in § 21D of Chapter 40 of the General Laws. Each day a violation occurs shall be considered separately.
- B. Whoever violates the provisions of this chapter shall be fined not more than \$300. Any violation of this chapter enforced by the methods provided in § 21D of Chapter 40 of the General Laws shall be subject to a fine set annually by the Board of Selectmen.

Or take any action relating thereto.

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.

Please contact me with any questions.