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TOWN CLERK

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UXBRIDGE BOARD OF SELECTMEN  
REGULAR SESSION MEETING MINUTES  
JUNE 9, 2008

**Present:** Chairman Kevin Kuros, Vice Chairman Michael Potaski, Clerk Peter Baghdasarian, Town Manager Jill Myers and Assistant to the Town Manager Kimberly Hood. Also present were Town Counsel Patrick Costello, Finance Director David Genereux and Acting DPW Superintendent Irving Priest.

*NOTE: Some matters may have been taken out of agenda order but are presented below based on agenda order for ease of locating information.*

**I. CALL TO ORDER AT 7:00 P.M.**

- A. Announcements: Chairman Kuros congratulated Uxbridge High School's graduating seniors.
- B. Citizens Forum: Mark Andrews of Easy Street requested to address the Board regarding agenda item B under Old Business. Chairman Kuros indicated that the Board would recognize Mr. Andrews and hear his comments when it discussed the item later in the agenda.

**II. CONSENT ITEMS**

- A. Acceptance of Meeting Minutes from 5/12 and 5/27 Regular Sessions; 5/21 Special Session:  
**MOTION by Mr. Potaski to accept the May 12, 2008 regular session minutes as written; seconded by Chairman Kuros. Motion approved 2:0:1 (Mr. Baghdasarian abstained).**  
**MOTION by Mr. Potaski to accept the May 21, 2008 special session minutes as written; seconded by Mr. Baghdasarian. Motion passed unanimously.**  
**MOTION by Mr. Potaski to accept the May 27, 2008 regular session minutes as written; seconded by Mr. Baghdasarian. Motion passed unanimously.**

**III. PUBLIC HEARINGS/ SCHEDULED APPOINTMENTS**

- A. 7:15 PM Public Hearing: To consider a liquor license change application seeking to alter the premises (expand outdoor serving area); Richard Dowden, The Green Room, 535 Quaker Highway.

Chairman Kuros opened the public hearing at 7:37 PM and read the public hearing notice. Mr. Richard Dowden, owner/manger of the Green Room Billiard Club, located at 535 Quaker Highway, described the 16' by 30' outdoor patio seating area recently added to the south side of the building for which he is seeking approval. Selectman Baghdasarian clarified that the licensing application before the Board is in addition to the existing patio, which was approved years ago. Mr. Dowden acknowledged that he has not yet complied with the ABCC's guideline that the outdoor area be secured by a fence, and stated he has contacted the Building Inspector to determine the most appropriate fencing for the site. Chairman Kuros closed the public hearing at 7:42PM.

**MOTION by Mr. Potaski to grant the applicant's request to alter the premises as it relates to the existing alcoholic beverages license at 535 Quaker Highway, subject to formal approval by the Building Inspector and Fire Chief upon installation of the fence surrounding the patio area. Seconded by Mr. Baghdasarian. Motion passed unanimously.**

B. Blackstone Valley Angel of Hope: Proposal to build a children's memorial garden on Town-owned land at Peaceful Pond (Brett Pomeroy):

Mr. Brett Pomeroy of 58 Saratoga Drive addressed the Board, seeking its approval to build a children's memorial garden on Town-owned land at Peaceful Pond. Mr. Pomeroy and his wife established Blackstone Valley Angel of Hope, a charitable organization dedicated to building and maintaining a children's memorial garden, following the death of their infant daughter in 2007. Mr. Pomeroy reviewed a garden sketch, describing the design of the 30 – 40' garden depicted on the sketch. Mr. Pomeroy sought approval to build the garden on approximately a quarter acre of land on the Gray Rock/Peaceful Pond parcel, with Blackstone Valley Angel of Hope paying for the estimated \$40,000 in construction costs to build the garden, as well as to provide for the ongoing maintenance of the memorial garden at no cost to the Town.

Mr. Potaski stated that Blackstone Valley Angel of Hope's goals may dovetail with those that Mr. Alan Keeler shared with the Board a few weeks ago when he proposed a coordinated community effort to do cleanup at the pond.

Chairman Kuros stated that he is supportive of the concept presented to the Board, but wants to understand the mechanics of how the BOS allows a private entity to build on public land. Attorney Costello suggested that the Town prepare a written agreement with the donor of the garden (Blackstone Valley Angel of Hope) to be clear that the garden is being donated to Town. He further recommended that the agreement include some consideration of ongoing maintenance.

**MOTION by Mr. Baghdasarian that the Board agree in principle to allowing the construction of a memorial park in the land known as the Gray Rock Estate, subject to conditions in agreement to be prepared by Town Counsel and approved by the Board. Seconded by Mr. Potaski.** Discussion request was made by Representatives from The Crown & Eagle to be allowed to offer public comment on the proposal before the Board voted, explaining that they are abutters and that the Crown & Eagle Board had been considering a portion of the Gray Rock site for the expansion of affordable senior housing given the site's proximity to the existing Crown & Eagle site. The Crown and Eagle representatives asked for an opportunity to see what the overall plan was for the 5.2 acre development. Discussion ensued. Chairman Kuros requested that Mr. Pomeroy meet with members of the Crown and Eagle Board.

**The motion passed unanimously,**

**ACTION ITEM: Town Counsel to draft agreement for Board review.**

IV. TOWN MANAGER REPORT: The report is attached to the minutes.

Chairman Kuros asked Attorney Costello to give brief overview of the Open Meeting Law statute in follow-up to the workshop earlier that evening, specifically addressing issues that may present the BOS while it operates as a three-member Board. Attorney Costello stated that "deliberations" have been defined as verbal exchange discussing Town business (and interpreted to include in-person, phone and email exchanges among a quorum of members of a body). Any email correspondence that could be construed to be inviting a reply could be construed as violating Open Meeting Law.

Town Counsel also clarified that draft minutes, to whatever extent they are in draft form, are subject to disclosure, though they should be clearly marked DRAFT.

## V. OLD BUSINESS

- A. Crown and Eagle Sidewalk Repair; Consider petition from residents: Town Counsel reported that he has reviewed previous correspondence and looked at the Town's legal obligations related to this long-standing matter. Attorney Costello noted that there have been various discussions as to where public right-of-way line is adjacent to canal property. Most recently, the Town retained Heritage Design Group, and its May 28<sup>th</sup> plan showing the deteriorating section of stone wall lies about .5 feet outside the right-of-way. Given that the wall on the private property appears to be the cause of the damage to the sidewalk, Counsel recommended that the Town seek indemnity and reimbursement from the owner of the wall. Further discussion ensued as to ownership issues and the causal relationship between the deterioration of the sidewalk and the erosion of the wall. Counsel and Acting DPW Superintend Irving Priest recommend that the Board authorize the issuance of a letter to the owner of record of the wall seeking resolution, including reimbursement for repairs to the sidewalk. Discussion ensued about determining the owner of record, and engaging the owner in discussions with the Town and the Crown & Eagle to bring resolution to fruition.

**ACTION ITEM: Attorney Costello to research ownership and send letter; Acting DPW Superintend to seek estimates for cost of engineering study.**

- B. Consideration of proposed snow plowing/road maintenance policy and associated developer fees (Continued from 5/27/08 with any suggested revisions for a second reading and adoption): Attorney Costello reviewed the proposed policy, which sets forth detailed protocol prior to acceptance by the Town and includes a hold harmless agreement for costs incurred by the Town for emergency service. Chairman Kuros stated that the policy will solve the problem going forward, but does not solve the problem for existing unaccepted streets. The Board recognized Mr. Mark Andrews, 19 Easy Street, who recommended putting teeth into the policy and who would also like to see the policy address what a resident tax payer can do (e.g., if road not plowed, who should a resident call? The developer? The Town?) Further Board discussion ensued related to how the Town can get builders to finish a project they may or may not be interested in completing, and then go through acceptance to turn it over to the Town. The Board also discussed the potential for abatements to property owners on unaccepted roads not plowed by the Town. Developer fees to also be voted (separately) on 6/23/08.

**ACTION ITEM: Prepare clean final draft of policy for vote on 6/23/08, along with fees.**

- C. Consideration of Public Safety Committee's recommendation of no parking on Henry Street between Mendon Street and Kennedy Street (Continued from 5/27/08 with review of map of the area with measurements denoting "no parking" areas): The Board reviewed a sketch of Henry Street that included the Public Safety Committee's recommendations for no parking on Henry Street opposite the playground and allowed parking only in the indented parking area shown. (Sketch attached to these minutes.)

**MOTION by Mr. Potaski to accept the Public Safety Committee's recommendation depicted in the schematic. Seconded by Mr. Baghdasarian. Motion approved unanimously.**

- D. Update and discussion of Douglas Street Property Disposal; Purchase and Sale Agreement Review of conditions of PNS agreement permitting contingency; June 30, 2008 deadline for buyer to request extension of closing date. Town Counsel reviewed the terms of the Purchase and Sale agreement with the Board and indicated that the ball is in the buyer's court at this time.

Counsel reiterated that the RFP issued by the Town specified the use (business/retail) and recommended that were this deal to go forward, a deed restriction specifying such use be established. Discussion ensued. **No action taken.**

## **VI. NEW BUSINESS**

- A. Town Counsel Reappointment; Discussion of contract renewal and appointment: Ms. Myers reviewed the proposal for legal services received from Louison, Costello, Conden & Pfaff, LLP, the firm currently serving as Town Counsel. The Board also reviewed a spreadsheet prepared by the Finance Director that detailed Town Counsel expenses for fiscal years 1995 – 2008. Chairman Kuros reviewed the data, noting that prior to FY08's retainer arrangement, the Town had a long history of escalating time and materials costs, with the data ultimately showing a fourfold increase on time and materials basis from 1999 to 2007. Discussion ensued about spending and usage history of Town Counsel services and the various options for the future.

Attorney Costello commented on the proposal submitted to the Board for FY09 to provide services under a retainer agreement for a fee of \$90,000 for a 12-month period. He indicated his willingness to continue to work to find ways to keep legal costs down, recognizing the difficult financial situation of the Town.

**MOTION by Mr. Potaski to accept the proposal provided by Louison, Costello, Conden & Pfaff, LLP to provide legal services for a flat-rate retainer fee of \$90,000. Seconded by Chairman Kuros. Motion approved 2:1:0 (Peter Baghdasarian).**

**ACTION ITEM: Draft appointment letter for signature.**

- B. BOS Board and Committee Appointments/Re-appointments; Update on expiring and vacant seats; requests for appointment/reappointment: Ms. Myers reviewed the listing of BOS-appointed Board and Committee members whose appointments would expire on June 30, 2008. She further clarified that Jennifer Nealon's appointment to the Board of Registrars had expired on 3/31/08, but Ms. Nealon is able to continue to serve until re-appointment or until a new appointment is made.

**MOTION by Mr. Potaski to re-appoint Elton Jones to the Council on Aging, to re-appoint Jill Kenrick to the Historic Cemetery Committee, to re-appoint Shirley Maynard to the Historical Commission, to re-appoint Mae Wrona to the Historical Commission, to re-appoint Will Page to the Recreation Commission, and to re-appoint Phyllis Smyth to the Town Common Committee. Seconded by Mr. Baghdasarian. Motion approved unanimously.**

**ACTION ITEM: Draft appointment letters for signature.**

Chairman Kuros reviewed the table highlighting vacancies on various committees and suggested that the Board identify and consider opportunities to make the community more aware of the committees and let people know more about how to get engaged. Mr. Baghdasarian suggested that it could be helpful to know why people resign from Boards and Committees.

- C. Receive Resignation from Board of Registrars – Cecelia Boatman (D); Notify Town Committee Authorize TM to send letter to Democratic Town Committee: The Town Manager reported that Cecilia Boatman resigned from the Board of Registrars, effective June 2, 2008.

**ACTION ITEM: Request names of potential appointees from Town Committee.**

- D. Discussion of Building Inspector Appointment (Selectman Baghdasarian): No action taken.
- E. Discussion of FY09 Budget (Selectman Baghdasarian): Mr. Baghdasarian asked how the Town could correct the negative outlook was assigned to the Town's latest bond rating by Moody's investor services. Finance Director Genereux explained the internal and external issues which factored into the negative outlook and discussed potential corrective action, including action at the Spring Annual Town Meeting on 5/13/08 to approve the balanced FY09 budget without the use of reserves.
- F. Consideration and approval of LHS Settlement Agreement: Town Counsel described the process to date.  
**MOTION by Mr. Potaski to authorize approval of settlement agreement with LHS. Seconded by Chairman Kuros. Motion approved 2:1.**

**VII. CORRESPONDENCE/ OTHER BUSINESS**

- A. Mr. Baghdasarian noted a concern with zoning enforcement as approved at Town Meeting under Article 21.

**VIII. EXECUTIVE SESSION (MGL c.39, §23B)**

**IX. ADJOURNMENT: Next Regular BOS Meeting 06/23/08**

**At 11:05 PM, MOTION to adjourn by Mr. Potaski, seconded by Mr. Baghdasarian. Motion passed unanimously.**

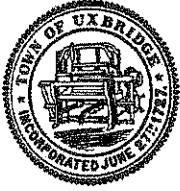
*Minutes respectfully submitted by Kimberly Hood, Assistant to the Town Manager.*

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Chairman Kevin J. Kuros

  
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Vice Chairman Michael Potaski

  
\_\_\_\_\_  
Clerk Peter Baghdasarian

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



TOWN OF UXBRIDGE  
BOARD OF SELECTMEN  
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21 South Main Street  
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508-278-8600 Fax 508-278-8605  
[town.manager@uxbridge-ma.gov](mailto:town.manager@uxbridge-ma.gov)

Jill R. Myers  
Town Manager

TO: Honorable Board of Selectmen  
FROM: Jill R. Myers, Town Manager  
DATE: June 5, 2008  
SUBJECT: Town Manager's Report for the BOS Meeting of June 9, 2008

*Attached, please find the Department Head Monthly Reports for the month of May, 2008.*

**Bernat Mill Fire – Follow-up meeting with Lt Governor Murray on 5/29**

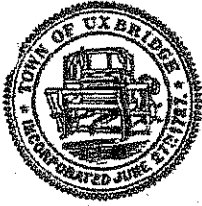
Please see the summary of the meeting attached to this report.

**Downtown Facade Cleaning 6/9 and 6/10:**

There are a few downtown business people who are combining efforts (and money) to power wash the facades of several downtown buildings coordinated by Athena Design. They would like to include the Town Hall and Fire Station. The Director of Planning and Economic Development is assisting with the coordination - the effort is an outgrowth of the Downtown Vision project. Only private funds will be used. They will be cleaning the brick facades of the two Skeeen buildings, then Town Hall/FD. Then, perhaps the Harry's Pizza Building and perhaps areas near the RR bridge abutments. The FD is providing a spigot to get water to 21 S. Main. The PD is providing some barricades so parking can be restricted in the "work zones." They plan to wash the Town Hall entrance area early Tuesday morning (so it is essentially dry before we open for business). They will be using low pressure, and will not be washing the areas directly around doors/windows.

**Health Benefits – FY09:**


We are holding a Flexible Spending Account -Open Enrollment for employees for the Plan year 7/1/2008 – 6/30/2009 (expenses must be incurred between these dates) on 6/11 at: 3:30-5:00pm at Town Hall. Out-of-pocket medical/dental expenses, prescription drug co-payments etc, may be paid from a Flexible Spending Account. The Medical FSA allows employees to set aside up to \$2,000 pre-tax to pay for expenses not covered by insurance. The Dependent Care FSA is a tax savings for people who have children in daycare or parents who require elder care. The IRS allows via the FSA to set aside up to \$5,000 pre-tax to pay for these expenses. Kelly Poulin, Payroll Coordinator in the Treasurer's Office is coordinating health benefits open enrollment. She is available to answer any questions, and assist employees - ([payroll.coordinator@uxbridge-ma.gov](mailto:payroll.coordinator@uxbridge-ma.gov)).



TOWN OF UXBRIDGE  
Dept. of Planning & Economic Development  
21 South Main Street  
Uxbridge, MA 01569-1851  
508-278-6487  
plandev@uxbridge-ma.gov

Megan T. DiPrete  
Director

## Memorandum

To: Town Manager  
From: Megan DiPrete   
Date: 6/4/2008  
Re: Bernat – Task Force Meeting – Downtown Vision

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As you know, Lieutenant Governor Tim Murray, Representatives Kujawski and Callahan attended the Bernat Task Force meeting, on May 29, 2008. The bulk of that meeting was spent reviewing the Downtown Vision report prepared with and for the Town by The Cecil Group (TCG) through a \$25,000 grant we received.

Several members of the ad hoc steering committee were present, including Mike Cove, Cappy Fournier, Faye McCluskey, Louise Redding, and Mark Wickstrom. (Rob Paul and Barry Desruisseaux were not available).

Ken Buckland of TCG provided an overview of the report, "New Connections, Better Connected." It identifies a number of critical discussion points and makes a number of recommendations which are both structural (ensuring the longevity of the steering committee and downtown improvement implementation efforts) and programmatic (identifying real projects to pursue).

In addition to zoning and regulatory changes, there are a number of "brick and mortar" projects identified. These, very generally, include:

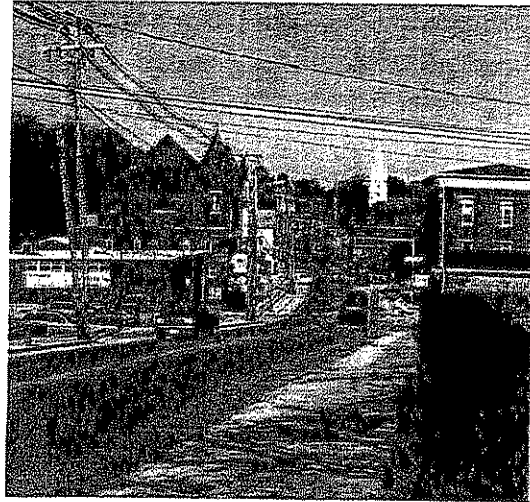
**Streetscape.** Maintaining the existing Main Street/Douglas/Mendon alignment, alter our overhead wires configurations (reduce visual clutter), add appropriate vegetation within the street ROW, modify curbing and sidewalk in some areas. The TCG plan indicates a Phase I Streetscape project may cost \$1.2 - \$1.6m to implement

**Rail Road Bridge.** By making changes to the abutment areas, increase light (visual impacts, sight lines) and sidewalk opportunities along this section of Mendon Street. Such work could (and should) be planned in a manner that would facilitate additional rail use, particularly as the potential for commuter rail services in this corridor is being explored. This is estimated at \$2.5 - \$3m and would certainly require extensive coordination with the P&W.

# 'New Connections: Better Connected'

## Executive Summary

In 2007, Uxbridge faced a community tragedy in the loss of the Bernat Mill to fire. It was not only the mill building that was lost. The 400,000 sq ft mill housed 65 different businesses; a substantial part of the local economy. MassDevelopment was retained by the town to provide a plan for redevelopment and revitalization of the Downtown. The plan creates stronger connections across and along the river, and brings together the Bernat Mill site, Downtown, and surrounding neighborhoods as a vital town center. This report is the product of local stakeholder involvement, public meetings and interviews with local leaders.



## Plan of Action

### Regulatory Strategies:

- Establish a formal delineation of downtown that is reflected in public policy documents such as the Zoning Bylaw.
- Amend the zoning to create a Downtown Commercial District that has a mix of uses specific to a downtown area.
- Establish shared parking agreements between private land owners and the Town of Uxbridge to formalize the overflow private parking areas as shared public parking spaces.

### Design Strategies:

- Complete a detailed visual study for downtown that determines what the regulatory standards should be based on the actual views that are to be preserved or gained.
- Create design guidelines for the properties in Downtown as well as the public spaces they face.

### Programmatic Strategies:

- Establish a program for adoption of planting areas by adjacent land owners and merchants, or a special business improvement district sponsored by the local business owners.
- Offer low interest loans or grants to building owners for façade and sign improvements.

### Signage Strategies:

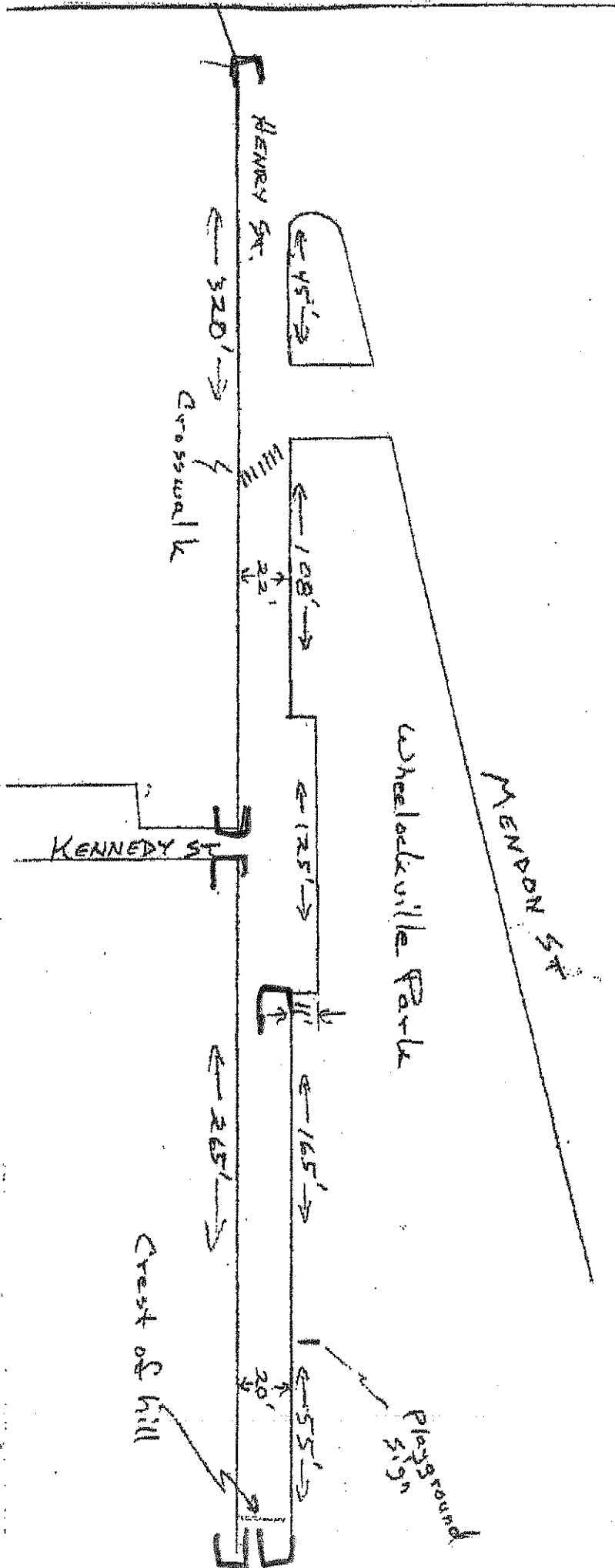
- Clearly mark each gateway point with a welcoming gateway sign that indicates entry into Downtown.
- Place wayfinding signs at the intersection of Rt. 16 and 122 at Saver's Bank, the parking lot at Saver's Bank, and the rail bridge/ underpass located on Rt. 16 before the Bernat Mill.
- Sign open space and recreation areas and sign the paths that connect them.
- Establish a local historical trail defined by simple markers and public spaces.



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MAY 30 2008

BOARD OF SELECTMEN  
UXBRIDGE, MA



[ ] no paving  
Public safety Comm. Mtg 6/5/08

Henry Street

suant to the provisions of Chapter 40, Section 4A of the Massachusetts General Laws to provide public health services which the Board of Health is authorized to perform, in accordance with an Inter-Municipal Mutual Aid Agreement to be entered into between the Town and various governmental units.

**Town Meeting action: Moderator declared motion carried unanimously**

**ARTICLE 19: REGIONALIZATION OF ANIMAL CONTROL SERVICES – INTER-MUNICIPAL AGREEMENTS**

To see if the Town will vote to authorize the Board of Selectmen to enter into inter-municipal agreements, in accordance with the provisions of chapter 40, section 4A of the Massachusetts General Laws, for animal control services, said agreements to be on such terms and conditions as the Board of Selectmen deems to be reasonable, appropriate and in the best interest of the Town, or take any action relative thereto. (Board of Selectmen/Town Manager)

**Finance Committee Recommendation:** Favorable action (6-0)

Article will allow the BOS to enter into Animal Control Inter-Municipal Mutual Agreement providing better services to the community and potentially saving money over time.

**Vote Needed:** Requires simple majority

**Motion:** Move to authorize the Board of Selectmen to enter into inter-municipal agreements, pursuant to the provisions of Chapter 40, Section 4A of the Massachusetts General Laws, for animal control services, said agreements to be on such terms and conditions as the Board of Selectmen deems to be reasonable, appropriate and in the best interest of the Town.

**Town Meeting action: Moderator declared motion carried**

**ARTICLE 20: ACCEPTANCE OF MGL CH. 39, SEC. 23D – RELATING TO ADJUDICATORY HEARINGS**

To see if the Town will vote to accept, for the Planning Board and the Zoning Board of Appeals, the provisions of G.L. c.39, §23D, which provide that a member of a board, committee, or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member's absence from one session of such hearing, provided that certain conditions are met, or take any other action relative thereto. (Board of Selectmen/Town Manager)

**Finance Committee Recommendation:** Favorable action. (5-1)

The committee believes this article will afford a smoother process for those coming before the Planning Board and Zoning Board of Appeals and decrease possible hearing delays.

**Vote Needed:** Requires simple majority

**Motion:** Move to accept, for the Planning Board and the Zoning Board of Appeals, the provisions of G.L. c.39, §23D, which provides that a member of a board, committee, or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member's absence from one session of such hearing, provided that certain conditions are met.

**Town Meeting action: Moderator declared motion carried**

**ARTICLE 21: ZONING BYLAW AMENDMENT – RELATING TO ZONING ENFORCEMENT**

To see if the Town will vote to amend Section XIII A ENFORCEMENT of the Zoning Bylaw by substituting the words "by the Building Inspector" for the words "by the Board of Selectmen" in the first sentence. (Board of Selectmen/Town Manager)

**Planning Board Report:** Favorable action

**Finance Committee Report:** Favorable action (5-1)

This article reflects actions taking by the BOS to make the Building Inspector the Zoning Enforcement Officer.

**Vote Needed:** Requires a 2/3 vote and a Planning Board report.

**Motion:** Move to amend Section XIII A ENFORCEMENT of the Zoning Bylaw by substituting the words "by the Building Inspector" for the words "by the Board of Selectmen" in the first sentence.

**Town Meeting action: Moderator declared motion failed**

**ARTICLE 22: ZONING BYLAW AMENDMENT – NEW SUBSECTION FOR PERMITTED USES**

To see if the Town will vote to amend the Town of Uxbridge Zoning Bylaws by (a) adding the following new subsection 5 to the list of permitted uses under Section VII. D. Business:

Shopping center consisting of a group of two or more of the uses listed above in subsections 1 through 4, which are located in one or more buildings on a single lot, and which are developed and managed under a common plan for the premises.

And (b) renumbering the existing subsections 5, 6 and 7 in Section VII.D to 6, 7 and 8 respectively; or to take any other action relative thereto. (Board of Selectmen/Town Manager)

**Planning Board Report:** Favorable Action

**Finance Committee Recommendation:** Favorable action (4-2)

**Vote Needed:** Requires a 2/3 vote and a Planning Board report.

**Motion:** Move to accept Article 22 as printed.

**Town Meeting action: Moderator declared motion carried 2/3 majority**

**ARTICLE 23: ACCEPTANCE OF MGL CHAPTER 43D – RELATING TO EXPEDITED PERMITTING PROCESS FOR COMMERCIAL PROJECTS**

To see if the Town will vote to accept the provisions of chapter 43D of the MA General Laws as amended pursuant to Section 11 of chapter 205 of the acts of 2006, or take any other action in relation thereto. (Board of Selectmen/Town Manager)

**Planning Board Report:** Favorable action

**Finance Committee Recommendation:** Favorable action (4-2)

This article affords the BOS the ability to consider accept this law and expedite the permitting process and make the community more competitive in bringing business to the Town. Additional funds are available to assist the community with increasing the efficiency of the process. Those against favorable action felt the committees involved might not be able to handle the expedited process and the Town had a limited appeals process.

**Vote Needed:** Requires a simple majority and a Planning Board report

**Motion:** Move that the Town vote to accept the provisions of M.G.L. Chapter 43D, titled Expedited Permitting, as an overlay for land at 515 Douglas Street, Assessor's Map 0023, Parcel 3545, and 0 Hazel Street, Assessors Map 0022, Parcel 3283.

**Town Meeting action: Moderator declared motion carried**

**ARTICLE 24: ZONING BYLAW AMENDMENT – TOWNHOUSE DEVELOPMENT**

To see if the Town will vote to amend Section VII.A of the Uxbridge Zoning By-laws by adding the following new subsection 13 to authorize special permits for Townhouse Developments in the Residence A District:

6/9/00

# The General Laws of Massachusetts

[Search the Laws](#)

## PART I. ADMINISTRATION OF THE GOVERNMENT TITLE VII. CITIES, TOWNS AND DISTRICTS

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### CHAPTER 40A. ZONING

#### Chapter 40A: Section 7. Enforcement of zoning regulations; violations; penalties; jurisdiction of superior court

Section 7. The inspector of buildings, building commissioner or local inspector, or if there are none, in a town, the board of selectmen, or person or board designated by local ordinance or by-law, shall be charged with the enforcement of the zoning ordinance or by-law and shall withhold a permit for the construction, alteration or moving of any building or structure if the building or structure as constructed, altered or moved would be in violation of any zoning ordinance or by-law; and no permit or license shall be granted for a new use of a building, structure or land which use would be in violation of any zoning ordinance or by-law. If the officer or board charged with enforcement of zoning ordinances or by-laws is requested in writing to enforce such ordinances or by-laws against any person allegedly in violation of the same and such officer or board declines to act, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefor, within fourteen days of receipt of such request.

No local zoning law shall provide penalty of more than three hundred dollars per violation; provided, however, that nothing herein shall be construed to prohibit such laws from providing that each day such violation continues shall constitute a separate offense. No action, suit or proceeding shall be maintained in any court, nor any administrative or other action taken to recover a fine or damages or to compel the removal, alteration, or relocation of any structure or part of a structure or alteration of a structure by reason of any violation of any zoning by-law or ordinance except in accordance with the provisions of this section, section eight and section seventeen; provided, further, that if real property has been improved and used in accordance with the terms of the original building permit issued by a person duly authorized to issue such permits, no action, criminal or civil, the effect or purpose of which is to compel the abandonment, limitation or modification of the use allowed by said permit or the removal, alteration or relocation of any structure erected in reliance upon said permit by reason of any alleged violation of the provisions of this chapter, or of any ordinance or by-law adopted thereunder, shall be maintained, unless such action, suit or proceeding is commenced and notice thereof recorded in the registry of deeds for each county or district in which the land lies within six years next after the commencement of the alleged violation of law; and provided, further that no action, criminal or civil, the effect or purpose of which is to compel the removal, alteration, or relocation of any structure by reason of any alleged violation of the provisions of this chapter, or any ordinance or by-law adopted thereunder, or the conditions of any variance or special permit, shall be maintained, unless such action, suit or proceeding is commenced and notice thereof recorded in the registry of deeds for each county or district in which the land

6/9

lies within ten years next after the commencement of the alleged violation. Such notice shall include names of one or more of the owners of record, the name of the person initiating the action, and adequate identification of the structure and the alleged violation.

The superior court and the land court shall have the jurisdiction to enforce the provisions of this chapter, and any ordinances or by-laws adopted thereunder, and may restrain by injunction violations thereof.

ARTICLE IX

ADMINISTRATION AND PROCEDURES

[With amendments as noted]

§ 400-47      **Administration**

A.      Permits

These Bylaws shall be administered by the Building Inspector. Pursuant to the State Building Code, the Building Inspector may require such plans and specifications as may be necessary to determine compliance with all pertinent laws of the Commonwealth. Buildings, structures or signs may not be erected, substantially altered, moved or changed in use and land may not be substantially altered or changed in principal use unless in compliance with then-applicable zoning, and after all necessary permits have been received under federal, state and/or local law. No building shall be occupied unless an occupancy permit signed by a duly-authorized person has been granted to the owner or occupant of such building, nor shall any use be made of such building except that which is explicitly stated by such occupancy permit.

B.      Enforcement

Pursuant to G.L. c. 40A, § 7, the Building Inspector shall institute and take any and all such action as may be necessary to enforce full compliance with any and all of the provisions of these Bylaws and of permits and variances issued hereunder, including notification of noncompliance and request for legal action through the Selectmen to Town Counsel.

C.      Penalties

The penalty for violation of any provision of these Bylaws, of any of the conditions under which a permit is issued or of any decision rendered by the Board of Appeals shall be Three Hundred Dollars (\$300.00) for each offense. Each day that each violation continues shall constitute a separate offense. [Added with this codification]

[Commentary: Paragraph C added for consistency with MGL Chapter 40A]

§ 400-48      **Planning Board**

The Town Manager may appoint one associate member to the Planning Board who may sit on the board for the purpose of acting on a special permit application, where the Planning Board is designated as the Special Permit Granting Authority, in the case of absence, inability to act, or conflict of interest, on the part of any member of the Planning Board or in the event of a vacancy on the Board.

§ 400-49      **Board of Appeals**

A.      Establishment

There is hereby established a Board of Appeals of three (3) members and two (2) associate