

SPRING ANNUAL TOWN MEETING MINUTES

TUESDAY, MAY 14, 2019 – 7:00 P.M.
VALLEY CHAPEL AUDITORIUM
14 HUNTER ROAD
UXBRIDGE, MASSACHUSETTS

Pursuant to the foregoing Warrant, the inhabitants of the Town of Uxbridge, qualified to vote in the Town elections and in Town affairs, met at the Valley Chapel Auditorium, in Precinct 1, in said Uxbridge, and transacted the following business on May 14, 2019:

Moderator Charles “Ed” Maharay called the Spring Town Meeting to order at 7:00pm, declaring the presence of a quorum (50 required, 137 voters present). Rules for conducting business and taking votes of the meeting were announced. The Town has purchased an electronic voting system and all Town Meeting votes will be taken by electronic vote.

The Department of Local Services (DLS) has determined free cash and retained earnings will not be certified until all annual audits are complete.

The current balance in Stabilization in advance of any transfer in or out is \$2,649,041. The balance in Stabilization at the end of the Town Meeting will be \$2,513,041.

A motion was made that action on Articles 2, 4-11 and 14 be taken out of order and taken up at a continuation of this meeting set for June 18, 2019 at 7pm at Valley Chapel Auditorium, 14 Hunter Rd, Uxbridge Massachusetts

The motion was seconded

Moderator declares a Simple majority vote, motion carries, Yes-95, No-16

* * *

ARTICLE 1: BILLS OF PRIOR FISCAL YEAR

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

SPONSOR: Town Manager

COMMENTARY: *This article seeks authorization to pay prior years' bills; which is required pursuant to M.G.L. c.44, §64.*

MOTION: *Move that the Town appropriate the sum of \$1,778.50 to pay the following unpaid bills of previous fiscal years and to meet said appropriation, transfer the sums as follows:*

Line #	Funding Source	Use of Funding	Department	Amount
1	911- Contributory Pensions	Graves Engineering Services	Planning	\$1,375.50
2	911- Contributory Pensions	Flynn Reporting Associates	Zoning	\$403.00

Vote required for passage: requires a 4/5th majority vote per M.G.L. c.44, §64.

THE FINANCE COMMITTEE RECOMMENDATION: No Recommendation without prejudice

THE BOARD OF SELECTMEN RECOMMENDATION: No Recommendation without prejudice

The motion was seconded

Moderator declares a 4/5ths majority vote, motion carries, Yes-83, No-14

ARTICLE 3: INTER/INTRA DEPARTMENTAL TRANSFERS

To see if the Town will transfer from available funds sums of money to supplement appropriations previously voted under Article 7 at the Spring Annual Town Meeting of May 8, 2018, for the Fiscal Year beginning July 1, 2018, for various Town Departments, or take any action in relation thereto.

SPONSOR: Town Manager

COMMENTARY:

#1: The department operates 11 response vehicles in the fleet. Certain vehicles have designated uses such as the K9 vehicle, and the chief's vehicle. The balance of the vehicle are cruisers, and one pickup truck. The average vehicle is 4 years old with 68,000 miles. Historically, the department has tried to replaced 2 vehicles a year. Currently, 4 vehicles have over 80,000 miles and 1 has over 135,000. We see typical mileage between 28,000 and 30,000 miles a year per patrol car. A request was submitted to the Capital Planning Committee for the replacement of the department pickup truck, but this request was denied. The remaining funds will be absorbed in the Police Department.

#2: This item will allow 24-hour support coverage for the Police Department.

MOTION: Move that the Town appropriate by transfer from available funds sums of money to supplement appropriations previously voted under Article 7 of the Annual Town Meeting of March 8, 2018 for the Fiscal Year beginning July 1, 2018 for line items in the budgets of various Town Departments as follows:

Item #	Department	Budget	Adjustment	Revised FY19 Budget	Funding Source
1	Police Department (vehicle replacement)	\$42,000	\$20,000	\$62,000	Contributory Retirement Assessment
2	Information Technology	\$0	\$15,000	\$15,000	Contributory Retirement Assessment

Vote required for passage: simple majority

THE FINANCE COMMITTEE RECOMMENDATION: No Recommendation without prejudice

THE BOARD OF SELECTMEN RECOMMENDATION: No Recommendation without prejudice

The motion was seconded

Moderator declares a Simple majority vote, motion carries, Yes-98, No-16

ARTICLE 12: AUTHORIZATION TO INCREASE LOCAL SALES TAX UPON RESTAURANT MEALS

To see if the Town will vote to increase the local meals sales tax pursuant to M.G.L. c. 64L, § 2 local sales tax upon the sales of restaurant meals originating in the Town of Uxbridge by a vendor at a rate of 1.5% of the gross receipts of the vendor from the sale of restaurant meals in accordance with M.G.L. c. 64H, § 6. Said excise tax shall take effect July 1, 2019, or take any other action related thereto.

SPONSOR: Board of Selectmen

COMMENTARY: *This article will increase the current meal tax 0.75% to 1.5% of the gross receipt to the Town, as recommended by the Department of Revenue. Funds generated by the tax are intended to fund the town's Other Post-Employment Benefits (OPEB) account.*

MOTION: *Move that the Town authorize to increase the local meals sales tax pursuant to M.G.L. c. 64L, § 2 upon the sales of restaurant meals originating in the Town of Uxbridge by a vendor at a rate of 1.5% of the gross receipts of the vendor from the sale of restaurant meals in accordance with M.G.L. c. 64H, § 6. Said excise tax shall take effect July 1, 2019.*

Vote required for passage: simple majority

THE FINANCE COMMITTEE RECOMMENDATION: Unfavorable Action (6-0-0)
THE BOARD OF SELECTMEN RECOMMENDATION: Unfavorable Action (5-0-0)

No Motion
No Action

ARTICLE 13: CMRPC PER CAPITA RATE/APPROPRIATION

To see if the Town will vote to approve a rate of 0.28637 dollars per capita, as assessed upon the population of 13,457 persons in the Town of Uxbridge, as listed on the 2010 national census, and in doing so, vote to confirm the amount of \$3,853.68 appropriated for this purpose in this article to pay the Town's portion of the FY 2020 operating expenses of the Central Massachusetts Regional Planning Commission (CMRPC) pursuant to M.G.L. c. 40B, § 7, or take any other action relating thereto.

SPONSOR: Town Manager

COMMENTARY: *This article seeks funding for the FY 2020 assessment by CMRPC, as approved by the Regional Planning Commission pursuant c. 40B, § 7 of M.G.L. This assessment was previously raised within the general fund budget, but this year it was noted that Town Meeting must also approve the per capita rate upon which the assessment is based, which necessitates a special article.*

MOTION: *Move that the Town will vote to approve a rate of 0.28637 dollars per capita, as assessed upon the population of 13,457 persons in the Town of Uxbridge, as listed on the 2010 national census, and in doing so, vote to confirm the amount of \$3,853.68 appropriated for this purpose to pay the Town's portion of the FY 2020 operating expenses of the Central Massachusetts Regional Planning Commission (CMRPC) pursuant to M.G.L. c. 40B, § 7.*

Vote required for passage: simple majority

THE FINANCE COMMITTEE RECOMMENDATION: Favorable Action (6-0-0)
THE BOARD OF SELECTMEN RECOMMENDATION: Favorable Action (5-0-0)

The motion was seconded
Moderator declares a Simple majority vote, motion carries, Yes-96, No-13

ARTICLE 15: TOWN CANNON

To see if the Town will vote to raise and appropriate or transfer a sum or sums of money for repair of the Town Cannon, or take any other action relating thereto.

SPONSOR: Board of Selectmen

COMMENTARY: *The Town Cannon, an important Veteran's Memorial, has been waiting for safety repairs for an extended period of time. These funds will enable repair of the cannon and restoration of it to the Town Common.*

MOTION: *Move that the Town vote to appropriate the amount stated in Table 1 of the Spring Annual Town Meeting Warrant for the purpose as listed, and to meet said appropriation transfer \$6,000 from the*

Stabilization Fund, with the balance to be returned to the general fund.

Table 1	Funding Source	Current Available Appropriate	Use of Funding	New Appropriate Amount
1	Stabilization Fund		Town Cannon Repair & Installation	\$6,000

Vote required for passage: a transfer from the stabilization fund requires a 2/3rds majority vote per M.G.L. c. 4 §5b

THE FINANCE COMMITTEE RECOMMENDATION: Favorable Action (6-0-0)

THE BOARD OF SELECTMEN RECOMMENDATION: Favorable Action (4-0-1)

The motion was seconded

Moderator declares the motion fails, Yes-51, No-65

ARTICLE 16: AMENDMENT TO MUNICIPAL CHARGES LIENS VIA MGL

c. 40, §58 - PASSOVER

To see if the Town will vote to amend Municipal Charges Liens via M.G.L. c. 40, §58 to include solid waste/recycling unpaid bills

SPONSOR: Board of Health

COMMENTARY:

MOTION: *Move that the Town vote to amend the Municipal Charges Liens via M.G.L. c. 40, §58 to include solid water/recycling unpaid bills.*

THE FINANCE COMMITTEE RECOMMENDATION: N/A

THE BOARD OF SELECTMEN RECOMMENDATION: N/A

No Motion

No Action

ARTICLE 17: PAYMENT IN LIEU OF TAXES SOLAR PILOT AGREEMENT

To see if the town will vote in accordance with M.G.L. c. 59, § 38H to authorize the Board of Selectmen and Board of Assessors to negotiate and enter into a "Payment in Lieu of Taxes" Agreement with:

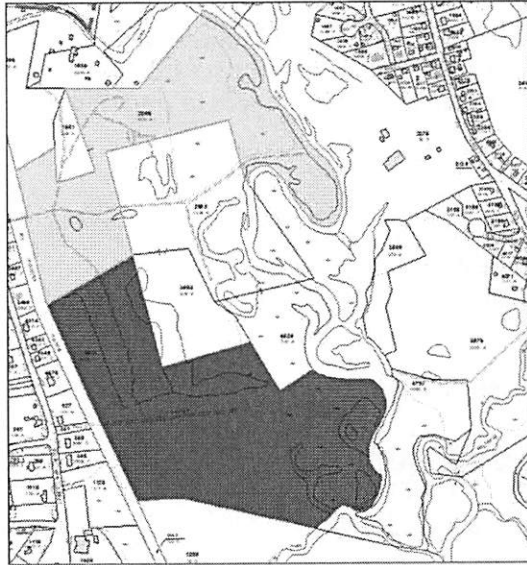
- A. MA CS Uxbridge, LLC or its assign, for a period of up to twenty (20) years, under which MA CS Uxbridge, LLC or its assign, will pay the Town a sum of money per year relative to the construction and operation of a Large-Scale Ground Mounted Solar Photovoltaic Installation with an expected nameplate capacity of approximately 5575.0 kW DC, on an 14 acre +/- portion of land located on Newell Road and on Assessor's Map 25 as Lots 2065 and 4434, Uxbridge, MA, and further to allow the Board of Selectmen and Board of Assessors to negotiate any amendments as necessary to said PILOT Agreement, or to take any other action relative thereto.

And

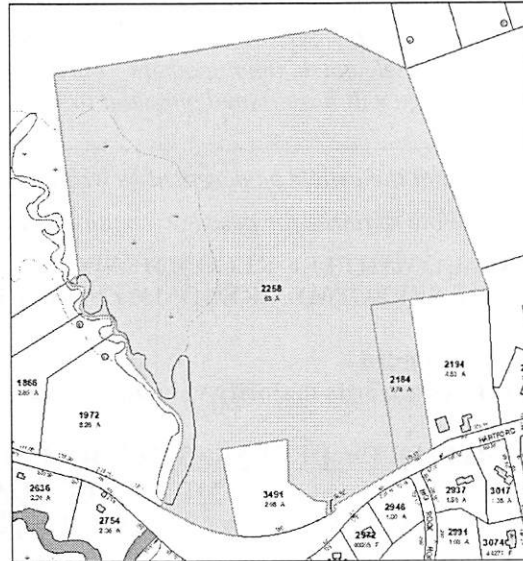
- B. Kearsarge Uxbridge LLC or its assign, for a period of up to twenty (20) years, under which Kearsarge Uxbridge, LLC or its assign, will pay the Town a sum of money per year relative to the construction and operation of a Large-Scale Ground Mounted Solar Photovoltaic Installation with an expected nameplate capacity of approximately 2,685 kW DC, on an 11.27 acre +/- portion of land located at 680 and 690 Hartford Road, on Assessor's Map 8, Lots 2258 and 2184, Uxbridge, MA and further to allow the Board of Selectmen

and Board of Assessors to negotiate any amendments as necessary to said PILOT Agreement, or to take any other action relative thereto.

Map 25, Parcels 2065 & 4434



Map 8, Parcels 2258 & 2184



SPONSOR: Board of Selectmen

COMMENTARY: *Passage of this article will authorize the Board of Selectmen and Board of Assessors to negotiate and enter into an agreement with solar energy developers regarding parcels of privately-owned land on Newell Road and Hartford Road. There are currently no agreements in place on these parcels. M.G.L. 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. M.G.L. c. 59 § 38H requires a vote by Town Meeting in order to authorize negotiating and entering into a new agreement.*

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

Vote required for passage: Requires a simple majority vote per M.G.L. c. 59 §38H

THE FINANCE COMMITTEE RECOMMENDATION: Unfavorable Action (6-0-0)

THE BOARD OF SELECTMEN RECOMMENDATION: Favorable Action (4-0-0)

The motion was seconded

Moderator declares the motion fails, Yes-36, No-81

**ARTICLE 18: DISPOSITION/LEASE OF TOWN OWNED PROPERTY: CELL TOWER
LEASE**

To see if the Town will vote to approve the disposition of a portion of the town-owned property, located at 59 Hazel Street, Uxbridge, MA, encompassing a portion of the total parcel consisting of approximately 4.78 Acres (203,860+/- SF), described as Assessors Map 18C, Lot 2765, by leasing said property or a portion thereof for a new cell tower, for a lease term of 10 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 this article, the Town authorizes the Town Manager to negotiate any agreements pursuant to an affirmative vote of the Board of Selectmen and furthermore, the Town authorizes the Town Manager to execute any and all instruments as maybe necessary, subject to a favorable vote by the Board of Selectmen.

Or take any action related thereto

SPONSOR: Town Manager

COMMENTARY: *The Town has been approached by a developer who wishes to install a cell tower with a possible location at 59 Hazel Street to improve cell service in this area. A lease agreement, according to M.G.L. is considered to be a disposition to municipal property, as the land leased to a third party will not be available for other uses over the life of the lease. If this action is approved, the design and height of the tower will have to be vetted by the Board of Selectmen, among others. Further, a bid for the land lease with the final specification of the tower height and design will have issued pursuant to M.G.L. 30B. This article should be seen as a start to the process.*

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

Vote required for passage: requires a 2/3rds vote per M.G.L. c. 40 §§15 & 15A

THE FINANCE COMMITTEE RECOMMENDATION: Favorable Action (4-2-0)

THE BOARD OF SELECTMEN RECOMMENDATION: Favorable Action (4-0-0)

The motion was seconded

Moderator declares a 2/3rds majority vote, motion carries, Yes-88, No-37

ARTICLE 19: DECLARATION OF SURPLUS TOWN LAND: LOTS 4543 & 1334
MILLVILLE ROAD - PASSOVER

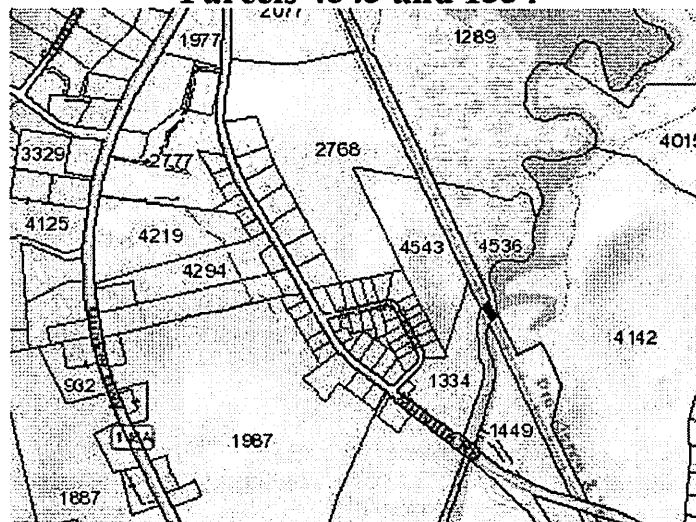
To see if the Town will vote to authorize the Town Manager to declare lots 4543 & 1334 Millville Road as surplus town land.

SPONSOR: Economic Development and Community Planner

COMMENTARY: *Request to declare two town owned parcels surplus, in order to seek proposals for the use of said land that could include inclusion as part of a greater commercial/industrial development. The intent is to sell said parcels in order to have both on the active tax rolls.*

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

Parcels 4543 and 1334



Vote required for passage: simple majority

THE FINANCE COMMITTEE RECOMMENDATION: N/A

THE BOARD OF SELECTMEN RECOMMENDATION: N/A

THE PLANNING BOARD RECOMMENDATION: Favorable Action (5-0-0)

No Motion
No Action

ARTICLE 20: GRANT OF EASEMENT: EVERSOURCE GAS - DOUGLAS STREET – PASSOVER

To see if the Town will vote to authorize the Board of Selectmen to grant an easement to NSTAR Gas, dba EVERSOURCE.

SPONSOR: DPW Director

COMMENTARY

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

Vote required for passage: 2/3rds majority per M.G.L. c. 40A §5

THE FINANCE COMMITTEE RECOMMENDATION: N/A

THE BOARD OF SELECTMEN RECOMMENDATION: N/A

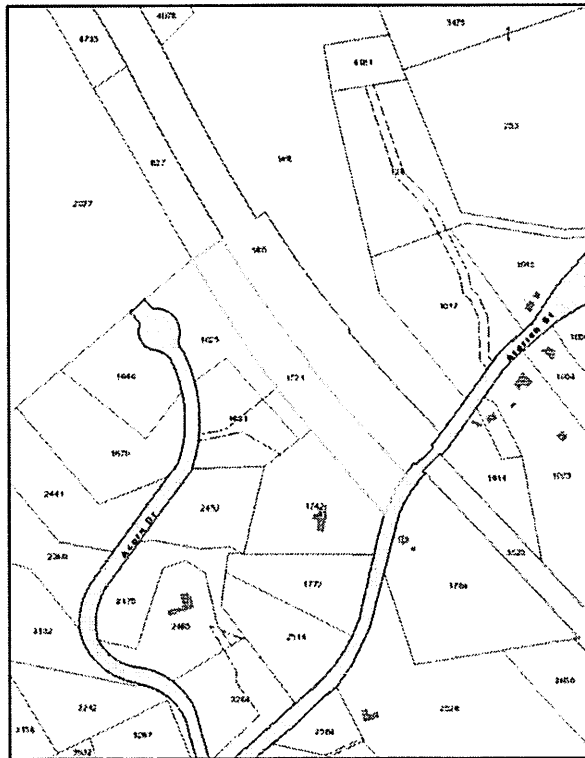
THE PLANNING BOARD RECOMMENDATION: N/A

No Motion
No Action

ARTICLE 21: ACCEPTANCE OF LAND DONATION: 119 ALDRICH STREET

To see if the Town will vote to pursuant to MGL c. 60 § 77C to authorize the Board of Selectmen to accept donation of land to be conveyed to the town, by deed, deed in lieu of foreclosure, or by any other legal instrument; such donation to be made at the request of the owner(s) of record.

A three-acre parcel of land, Parcel 1721, located at 119 Aldrich Street, Book 15298, Page 108 at the Worcester Registry of Deeds, owned by Scott & Cheryl Grehoski.



Or take any action related thereto.

SPONSOR: Board of Selectmen

COMMENTARY: *This property has been offered to the Town by its respective owner(s).*

119 Aldrich is 3.140 acres of land, valued at \$18,300.

Acceptance of this property, without restriction, will ensure that it does not fall into tax title at some future date.

This parcel will be able to be retained by the Town, or sold at a future date, subject to Town Meeting authorization.

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

Vote required for passage: simple majority

THE FINANCE COMMITTEE RECOMMENDATION: Unfavorable Action (6-0-0)

THE BOARD OF SELECTMEN RECOMMENDATION: Unfavorable Action (4-1-0)

The motion was seconded

Moderator declares the motion fails, Yes-29, No-97

ARTICLE 22: STREET ACCEPTANCE: WATERMAN WAY

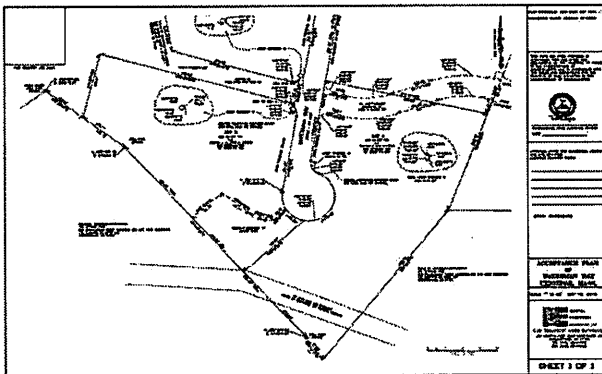
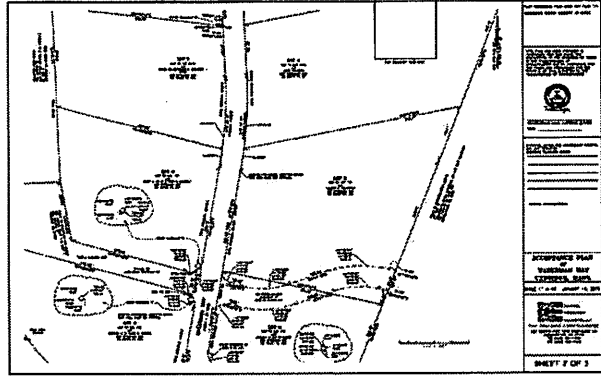
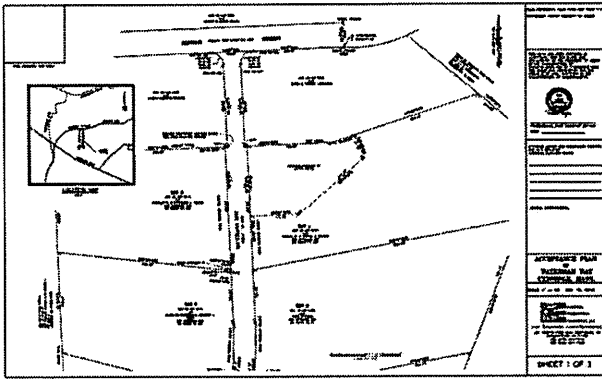
To see if the Town will vote to accept as a public way the street known as Waterman Way as laid out by the Board of Selectmen, and further authorize the Board of Selectmen, in the name and behalf of the Town, to acquire by gift, eminent domain, easements and appurtenant right in and for said way for the purposes for which public ways are used in the Town;

Or take any action related thereto.

SPONSOR: Board of Selectmen

COMMENTARY: *Waterman Way is located in the neighborhood known as Hammond Estates. The Street was determined to be complete in 2015. The residents of the street have met the requirements to accept the street as a public way.*

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



Vote required for passage: requires a 2/3rds vote per M.G.L. c40 §14

THE FINANCE COMMITTEE RECOMMENDATION: Unfavorable Action (5-1-0)

THE BOARD OF SELECTMEN RECOMMENDATION: Unfavorable Action (5-0-0)

THE PLANNING BOARD RECOMMENDATION: Favorable Action with the recommendation to exclude the words "eminent domain". (5-0-0)

The motion was seconded

Moderator declares a 2/3rds majority vote, motion carries, Yes-99, No-23

ARTICLE 23: ESTABLISH A PUBLIC CONSUMPTION OF MARIJUANA RESTRICTION

To see if the Town will vote to amend the Town of Uxbridge General By-laws, by adding the following chapter, or take any action thereto:

SPONSOR: Police Chief

COMMENTARY: *Currently § 327-2 of the Uxbridge By-laws prohibit the public consumption of alcohol, or the possession of an open container of alcohol on town property, a public right of way, or private spaces without the consent of the owner.*

The purpose of this article is to promulgate the same restrictions for marijuana products as currently exist for alcohol products.

This proposed change is consistent with state regulation M.G.L. Part I Title XV c. 94G §13 with regard to the restriction on public consumption.

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

§ 60-8. Consumption of marijuana in public

- A. No person shall smoke, ingest, or in any way consume marijuana or any marijuana product or have within the person's possession or control any container of marijuana which is open, while the person is in or upon any public way, any way to which the public has a right of access as invitees or licensees, any park, any playground, any other public place, which is not licensed as a social consumption marijuana establishment, any bus or other passenger conveyance operated by a common carrier, or any private place without the consent of the owner or person in control of such place.
- B. Any person who violates any provision of this section of this by-law shall be subject to fine of \$300.

Vote required for passage: Amendments to the Uxbridge General Bylaws requires a 2/3rds majority vote

THE FINANCE COMMITTEE RECOMMENDATION: Favorable Action (5-1-0)

THE BOARD OF SELECTMEN RECOMMENDATION: Favorable Action (5-0-0)

The motion was seconded

Moderator declares the motion fails, Yes-57, No-63

ARTICLE 24: ADDITION OF CHAPTER TO UXBRIDGE GENERAL BYLAWS: RECYCLING AND SUSTAINABILITY COMMITTEE

To see if the Town will vote to amend the General Bylaws of the Town, by inserting a new general bylaw, Chapter 123; to be titled "Recycling and Sustainability Committee" to read as follows:

SPONSOR: Board of Health & Town Manager

COMMENTARY: *The Recycling and Sustainability Committee has been a temporary committee since August of 2017. It was created by the Board of Selectmen as an advisory committee to the Board of Health. In order to continue its work more effectively, the RSC has asked the Board of Health to submit this article to become a free-standing committee with members appointed for three year terms. The purpose of the RSC is in the warrant article itself.*

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

Chapter 123

- § 123-1. Authorization
- § 123-2. Definition
- § 123-3. Composition and Appointment
- § 123-4. Mission and General Activities
- § 123-5. Authority to accept grants, gifts or donations
- § 123-6. Deposit of sums from programs and activities
- § 123-7. Financial procedures
- § 123-8. Expenditure of funds
- § 123-9. Compliance with Open Meeting Law
- § 123-10. Criminal Offender Records Inquiry

§ 123. 1 Authority

The Recycling and Sustainability Committee (RSC) is hereby created pursuant to the Uxbridge Home Rule charter, Article 5, Section 1.

§ 123. 2 Definitions

"Recycling: The process of converting waste materials into new materials and objects.

Sustainability: The ability to meet the needs of the present without compromising the ability of future generations to meet their own needs.

§ 123.3 Composition and Appointment

The RSC shall consist of five (5) members and two (2) alternate members, to be appointed by the Town Manager, for a term of office of three (3) years, said terms of members to be staggered in the Committee's first year to 2 three-year appointments, 2 two-year appointments and 1 one-year appointment, and alternates to be staggered in the Committee's first year to 1 two-year appointment and 1 three-year appointment.

§ 123.4 Mission and General Activities

The mission of RSC is to explore, advise and recommend the implementation of ideas which enhance the overall sustainability of the Town of Uxbridge.

In fulfilling its mission, the RSC will develop programs and activities within the Town which:

1. Promote recycling or to otherwise reduce the waste stream
2. Promote energy efficiency and reduce energy usage
3. Promote practices and activities which address sustainability

§ 123.5 Authority to accept grants, gifts or donations

In consultation with the Town Manager or designee, the RSC may seek out grants or gifts opportunities from the state and federal government, private corporation(s), charitable corporation(s) or from and/or individual(s), Working in collaboration with the Economic Development and Community Planner, the RSC will assist in the grant application and process. Such funds as may be received shall be deposited with the Town Treasurer.

§ 123.6 Deposit of sums from programs and activities

The RSC is further authorized to deposit to all sums received in connection with the conduct of programs or activities it is authorized to conduct into an account approved at town meeting for the purposes outlined in section 5 and 6.

§ 123.7 Financial procedures

The RSC shall account for all program-related revenues in accordance with procedures set by the Town Manager or his/her designee.

§ 123.8 Expenditure of fund

The RSC may, with approval through the Town Manager, expend funds from said account for any purpose it is authorized to perform without further appropriation, said expenditures to be in compliance with all Massachusetts procurement laws and regulations.

§ 123.9 Compliance with Open Meeting Law

In compliance with the Open Meeting Law, meetings of the RSC shall take place in a public place and shall be posted with the Town Clerk at least 48 hours in advance. Approved minutes of those meeting shall be filed with the Town Clerk in a timely manner.

§ 123. 10 Criminal Offender Records Inquiry

Individuals seeking membership to the RSC shall be required to submit a signed Criminal Offender Records Inquiry (CORI) request form

Vote required for passage: Amendments to the Uxbridge General Bylaws requires a 2/3rds majority

THE FINANCE COMMITTEE RECOMMENDATION: Unfavorable Action (6-0-0)
THE BOARD OF SELECTMEN RECOMMENDATION: Unfavorable Action (3-2-0)
THE BOH RECOMMENDATION: Favorable Action (3-0-0)

No Motion
No Action

ARTICLE 25: AMEND GENERAL BYLAWS: PROPOSED CHANGES TO THE BYLAWS
GOVERNING TOWN MEETING

To see if the Town will vote to amend Section 125 of the General Bylaws of the Town of Uxbridge.

The underlined text represents additions to the bylaws; the ~~strikethrough~~ text to be eliminated

A. 125-14 Manner of Vote:

Unless otherwise required by law, bylaw, regional agreement, or similar binding obligation, the Moderator shall determine the method of voting on each article at town meeting, which method may vary from article to article, and which method may include a vote by voter card, a standing vote, a ballot vote, or a vote by electronic technology furnished by the Town for the use of Town Meeting Members. When a question is put, ~~the sense of the meeting shall be determined, at the Moderator's discretion, by a show of Town Meeting voter cards or the voices of the voters, and the Moderator shall declare the vote as it appears to him/her. If the Moderator's is unable to decide the vote by the show of Town Meeting voter cards or the volume of the voices, as appropriate, or, if his/her decision is immediately questioned by seven or more voters rising in their places for that purpose, the Moderator shall determine the vote by ordering a standing vote and he/she shall appoint two tellers to each voter section and they shall agree on the number of yes votes cast and the number of no votes cast in their respective sections before the counts are returned. The Meeting itself may, by majority vote, upon proper motion in due order, require that the vote on any motion shall be taken by a yes and no ballot vote which may be tabulated manually or electronically.~~
SPONSOR: Town Moderator

COMMENTARY: *The current bylaw states that votes at town meeting are to be taken by voter cards. This change will allow multiple methods for voting, at the discretion of the moderator, including electronic voting.*

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

Vote required for passage: Amendments to the Uxbridge General Bylaws requires a 2/3rds majority

THE FINANCE COMMITTEE RECOMMENDATION: Favorable Action (6-0-0)
THE BOARD OF SELECTMEN RECOMMENDATION: Favorable Action (5-0-0)

B. 125-15 Limit of Debate:

No person shall speak for more than 5 ~~40~~ minutes on any question unless his/her time shall be extended by the Moderator.

SPONSOR: Town Moderator

COMMENTARY: *This change limits the time a person can speak to 5 minutes. Past meetings have shown 5 minutes is enough time for a person to make their point.*

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

Vote required for passage: Amendments to the Uxbridge General Bylaws requires a 2/3rds majority

THE FINANCE COMMITTEE RECOMMENDATION: Unfavorable Action (5-1-0)

THE BOARD OF SELECTMEN RECOMMENDATION: Unfavorable Action (5-0-0)

C. 125-16 Reconsideration:

A motion to reconsider a vote already taken may be made only for a bona fide reason, as determined by the Moderator, such as information that was not known to the meeting at the time the vote was taken or the effect of subsequent meeting action. A motion for reconsideration, once decided, shall not be reconsidered. To pass, a motion to reconsider must receive the same percentage of votes as required to adopt the motion being reconsidered. No motion to adjourn, to lay on the table, or for the previous question shall be reconsidered.

SPONSOR: Town Moderator.

COMMENTARY: *This amendment to the current bylaws defines more clearly when a motion for reconsideration should be allowed*

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

Vote required for passage: Amendments to the Uxbridge General Bylaws requires a 2/3rds majority

THE FINANCE COMMITTEE RECOMMENDATION: Favorable Action (6-0-0)

THE BOARD OF SELECTMEN RECOMMENDATION: Favorable Action (5-0-0)

The Article sponsor decide to not make a motion on section B-Limit of Debate.

The motion for sections A and C was seconded

Moderator declares a 2/3rds majority vote, motion carries, Yes-108, No-7

ARTICLE 26: WHETHER TO ACCEPT M.G.L. c. 40, §. 6N AND ADOPT A GENERAL BYLAW PROVISION IMPLEMENTING M.G.L. C. 40, § 6N WHICH ALLOWS TEMPORARY REPAIRS TO PRIVATE WAYS

To see if the Town will vote to adopt the following by-law M.G.L. c. 40, §6N to be included in Town's General Bylaws, as Section § 300, entitled "Temporary Repairs To Private Ways."

SPONSOR: The Planning Board

COMMENTARY: *The local acceptance of MGL Chapter 40 §6N and the adoption of a General Bylaw would allow, but not require, the Town to make temporary repairs on private roads in response to a petition by at least 50% of the owners abutting that way.*

MGL Chapter 40 §6N: Private ways; temporary repairs, ordinances or by-laws; Cities and towns may by ordinance or by-law provide for making temporary repairs on private ways. Such ordinance or by-law shall determine (a) the type and extent of repairs; (b) if drainage shall be included; (c) if the repairs are required by public necessity; (d) the number of percentage of abutters who must petition for such repairs; (e) if betterment charges shall be assessed; (f) the liability limit of the city or town on account of damages caused by such repairs; (g) if the ways shall have been opened to public use for a term of years; and (h) if a cash deposit shall be required for said repairs.

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

§ 300. Temporary repairs to private ways.

A. In accordance with the provisions of M.G.L. c. 40, § 6N, the Town may make temporary repairs on private ways under the following circumstances and conditions:

B. The type and extent of repairs authorized by this by-law shall be any and all repairs, including drainage work, necessary for safe and convenient travel by the public, up to and including work that would be required to make the private way suitable for acceptance as a public way.

C. The abutters to the private way may petition to Board of Selectmen with a description of the requested repairs. The petition must be signed by not less than fifty (50) percent of the owners of parcels abutting the private way. The Board of Selectmen shall forward a copy of the petition to the Director of the Department of Public Works who shall determine if the requested repairs are within the capacity of the department to perform and estimate the cost thereof. The Board of Selectmen shall also forward a copy of the petition to the Town Manager, the chief of the Police Department, the chief of the Fire Rescue Department, the Planning Board and the Director of Assessing for review and appropriate comment. If the Director of the Department of Public Works determines that the requested repairs are beyond the capacity of the department to perform, the petition shall be denied. The Board of Selectmen is not authorized to hire any contractors to perform work to make the requested repairs, but may authorize the purchase of materials and supplies.

D. If the Director of the Department of Public Works determines that the requested repairs are within the capacity of the department to perform, the Board of Selectmen may authorize the repairs at public expense and determine a) whether betterments shall be assessed, the amount thereof and the method of assessment and b) whether a cash deposit shall be required and the amount thereof. Any abutter may, by paying a full share, avoid the betterment assessment.

E. Such repairs shall be performed only on private ways which have been open to the public for at least five (5) years prior to the filing of the petition or which provide access to property owned by the Town of Uxbridge.

F. The Town shall not be liable in any manner or in any amount on account of any damages caused by such repairs.

G. No repairs shall be made on any private way where there is an outstanding and enforceable covenant filed with the Planning Board under M.G.L. c. 41, § 81U or any decision or agreement of any other town board or commission that the Town shall not provide repair or improvement services.

Vote required for passage: requires a 2/3rds vote

THE FINANCE COMMITTEE RECOMMENDATION: Unfavorable Action (5-1-0)

THE BOARD OF SELECTMEN RECOMMENDATION: Unfavorable Action (5-0-0)

THE PLANNING BOARD RECOMMENDATION: Favorable Action (5-0-0)

No Motion

No Action

ARTICLE 27: WHETHER TO ACCEPT CHAPTER 245 OF THE ACTS OF 1988 WHICH ALLOWS THE BOARD OF SELECTMEN TO APPROVE EXPENDITURES OF UP TO \$100,000 OF BONDS OR DEPOSITS HELD AS SECURITY FOR SUBDIVISIONS TO COMPLETE SUBDIVISION WORK.

To see if the town will vote to accept Chapter 245 of the Acts of 1988, which amends c. 41 § 81U of M.G.L. to read as follows:

SPONSOR: The Planning Board

COMMENTARY: *Acceptance of Chapter 245 of the Acts of 1988 would allow the Selectmen to approve funds up to \$100,000 to complete subdivision work. Only funds from bonds or deposits that the (defaulting) developer had placed with the Town as surety could be appropriated by the Selectmen.*

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

§81U of c. 41 of M.G.L. is hereby amended by striking out the penultimate paragraph, inserted by the Chapter 236 of the acts of 1987 and inserting the following paragraph:

“In any town which accepts the provisions of this paragraph, the proceeds of any such bond or deposit shall be made available to the Town for expenditure to meet the cost and expenses of the municipality in completing the work, as specified in the approved plan. If such proceeds do not exceed one hundred thousand dollars, the expenditure may be made without specific appropriation under section fifty-three of chapter forty-four; provided, however, that such expenditure is approved by the Board of Selectmen. The provisions of this paragraph shall not apply to cities or Towns having Town Councils.”

Vote required for passage: requires a 2/3rds vote

THE FINANCE COMMITTEE RECOMMENDATION: Unfavorable Action (6-0-0)

THE BOARD OF SELECTMEN RECOMMENDATION: No recommendation

THE PLANNING BOARD RECOMMENDATION: Favorable Action (5-0-0)

No Motion

No Action

ARTICLE 28: § 400- 40 REVISION OF WMAROD WAUCANTUCK MILL ADAPTIVE REUSE OVERLAY

To see if the Town will vote to revise the Uxbridge Zoning Bylaws § 400- 40 WMAROD, Waucantuck Mill Adaptive Reuse Overlay District with the attached revisions for the purpose of cleaning up the bylaw language.

SPONSOR: The Planning Board

COMMENTARY: REFER TO ATTACHMENT A. *The proposed amendment to the § 400- 40 WMAROD - Waucantuck Mill Adaptive Reuse Overlay District is necessitated by a flaw in the Zoning Bylaw as presented by the Town. The affected properties, (Map and Parcel), are incorrectly or not fully identified in the Bylaw as currently posted by the Town. In addition, there are numerous typos and grammatical and formatting errors. The Article to be presented at Annual Town Meeting reflects the corrected list of affected parcels and of the typos and grammatical errors, making for a clearer Bylaw.*

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

§400-40 Waucantuck Mill Adaptive Reuse Overlay District (WMAROD)

A. Purpose

The intent of this section is to create an overlay district that allows for the adaptive reuse of underutilized historic mills and their appurtenant land in the Town of Uxbridge. The primary purposes for the Waucantuck Mill Adaptive Reuse Overlay District (the “WMAROD”) are:

1. To promote the economic health and vitality of the Town by encouraging the preservation, reuse, renovation, and redevelopment of underutilized or abandoned historic mill properties;
2. To allow for the conversion of Uxbridge’s historic mills in a way that preserves the character of nearby residential and commercial neighborhoods; and
3. To encourage residential, commercial, and mixed-use development that includes, but is not limited to, offices, retail and/or service establishments, community facilities, and housing.

B. Establishment and Delineation

The Waucantuck Mill Adaptive Reuse Overlay District is hereby established as an overlay district. All regulations pertaining to the underlying district(s) shall continue to be in full force and effect, except to the extent that the provisions of this Section modify, amend, or supersede such underlying requirements or provide an alternative to such requirements. The site is known as the Waucantuck Mill and its adjacent properties, shown on Assessor's Map 19, Parcels 1629, 1653, 1659, 1686, 2413, 2423, 2426, 2467, 3226, 3231, 3261 and Map 20, Parcels 919, 1749, 2517, 2522, 2524, 2546, 2554, 2582, a portion of parcel labelled "Nicholas Way" on Assessor's Map 19, and the Stanley Woolen Mill and associated parcels, identified as Assessor's Map 19 Parcel 3621, and a portion of Assessor's Map 19 Parcel 2475 being described as follows:

- Beginning: at a point on the westerly sideline of Mendon Street at the southeasterly corner of parcel 2413 on Uxbridge Assessor's Map 19, said point being the southeasterly corner of "Lot 6" as shown on a plan entitled "Definitive Subdivision Plan of 'Sherlock Heights', Uxbridge, Massachusetts, prepared for: Karen & Richard Sherlock", said plan recorded with Worcester Registry of Deeds in Plan Book 816, Plan 24;
- Thence: southwesterly by the northerly sideline of Mendon Street by a curve to the right having an arc length of 140.32 feet and a radius of 1160.00 feet to a point on the northerly sideline of Mendon Street;
- Thence: S 27°50' 47" E 13.38 feet by the northerly sideline of Mendon Street to a point;
- Thence: S 64°16' 06" W 114.56 feet by the northerly sideline of Mendon Street to a point;
- Thence: N 19°33' 23" W 297.76 feet to a point
- Thence: N 30°25' 33" W 424.09 feet to a point at land now or formerly of the Town of Uxbridge;
- Thence: N 68°54' 40" E 586.60 feet by said Town of Uxbridge to a point at land now or formerly of Ronald A. & Patricia A. Willame;
- Thence: S 01°16' 39" W 241.22 feet by various owners to an iron pipe at land now or formerly of Timothy J. & Pamela A. Mason;
- Thence: continuing S 01°16' 39" W 99.13 feet by said Mason to a stone bound;
- Thence: continuing S 01°16' 39" W 382.71 feet partly by said Mason to the northerly sideline of Mendon Street and the Point of Beginning.

Having an area of 276,204 square feet, or 6.34 acres of land, more or less.

C. Use Regulations

All uses permitted in the underlying zoning districts are permitted uses in the WMAROD. The following additional uses shall be permitted in the WMAROD by special permit as part of an adaptive reuse of an historic mill property:

1. Office for administrative, executive, professional, sales and other similar uses;
2. Retail, service, and restaurant;
3. Institutional (museum, educational use, charitable or philanthropic institution, municipal use, club, lodge, or similar uses);
4. Recreational;
5. Residential; and

6. Appropriate accessory uses.

D. Permitted by Special Permit

Adaptive reuse of a historic mill property within the WMAROD may be conducted upon the issuance of a Special Permit by the Planning Board in accordance with Section 400-49 of these Bylaws.

E. Special Permit Granting Authority

The Planning Board shall have authority to issue Special Permits for the adaptive reuse and/or redevelopment of historic mill properties within the WMAROD and shall serve as the Special Permit Granting Authority (SPGA) pursuant to this Section.

F. Application

1. Pre-application review. The applicant is strongly encouraged to request a pre-application review at a regular business meeting of the Planning Board prior to submitting a formal application. The purpose of a pre-application review is to minimize the applicant's costs of engineering and to commence discussions with the Planning Board at the earliest possible stage in the development. At the pre-application review, the applicant may outline the proposed project for adaptive reuse, seek preliminary feedback from the Planning Board and/or its technical experts, and set a timetable for submittal of a formal application.

No formal filings are required for the pre-application review; however, the applicant is encouraged to prepare sufficient preliminary architectural and/or engineering drawings to inform the Planning Board of the scale and overall design of the proposed project.

2. Special Permit/site plan review. An application for a Special Permit for the adaptive reuse of an historic mill property shall be submitted to the Planning Board on forms furnished by the Planning Board.
3. Submission requirements.
 - a. A site plan shall be prepared by a registered professional engineer, architect or landscape architect at a scale of one (1) inch equals twenty (20) feet, on standard twenty-four by thirty-six-inch sheets, with narrative information on eight-and-one-half by eleven-inch sheets.
 - b. A site plan shall include all of the data, details and supporting information as follows:
 - (1) The name of the project, boundaries and locus maps showing the site's location in town, date, North arrow and scale of the plan.
 - (2) Names and addresses of the owner of record, the developer and the seal of the engineer, architect or landscape architect.
 - (3) Names and addresses of all owners of record of abutting parcels and those within three hundred (300) feet of the property line.

- (4) All existing lot lines, easements and rights-of-way (including area in acres or square feet), abutting land uses and the location and use of structures within three hundred (300) feet of the site.
- (5) The locations and uses of all existing and proposed buildings and structures within the development, including all dimensions of height and floor area, and showing all exterior entrances and all anticipated future additions and alterations.
- (6) The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping, walls and fences. Location, type and screening details for all waste disposal containers shall also be shown.
- (7) The location, height, intensity, and bulb type (e.g. fluorescent, sodium incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
- (8) The location, height, size, materials and design of all proposed signage.
- (9) The location of all present and proposed utility systems, including: sewage or septic system; water supply system; telephone, cable and electrical systems; and storm drainage system, including existing and proposed drain lines, culverts, catch basins, headwalls, end walls, hydrants, manholes and drainage swales. The Planning Board may also request soil logs, percolation tests and storm runoff calculations for large or environmentally sensitive development.
- (10) Plans to prevent pollution of surface or ground water, erosion of soil, both during and after construction, excessive runoff, excessive raising or lowering of the water table and flooding of other properties, as applicable.
- (11) Existing and proposed topography at a two-foot contour interval. All elevations shall refer to the nearest United States Geodetic Bench Mark. If any portion of the parcel is within the one-hundred-year floodplain, the area will be shown and base flood elevations given. Indicate areas within the proposed site and within fifty (50) feet of the proposed site where ground removal or filling is required and give its approximate volume in cubic yards.
- (12) A landscape plan showing existing natural land features, trees, forest cover and water sources and all proposed changes to these features, including size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains and drainage retention areas.
- (13) Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on site and within one hundred (100) feet of the site.
- (14) Elevation plans at a scale of 1/4 inch equals one foot for all exterior facades of the proposed structure(s) and/or existing facades, plus addition(s), showing design features and indicating the type and color of materials to be used.

- (15) Information on the location, size and type of parking, loading, storage, and service areas; parking calculations based on the requirements of the Planning Board, off-street parking, loading and landscaping standards.
- (16) For large developments, those exceeding ten thousand (10,000) square feet of gross floor area or requiring more than twenty-five (25) parking spaces, or for smaller developments located in high density areas, the Planning Board may require a development impact assessment which shall include the following:
 - (a) Traffic impact assessment.
 - (i) Purpose. The assessment will document existing traffic conditions in the vicinity of the proposed project, describe the volume and effect of projected traffic generated by the proposed project and identify measures proposed to mitigate any adverse impacts on traffic.
 - (ii) Format and scope.
 - A. Existing traffic conditions; average daily and peak hour volumes, average and peak speeds, sight distance, accident data and levels of service level of service of intersections and streets likely to be affected by the proposed development. Generally, such data shall be presented for all streets and intersections adjacent to or within one thousand (1000) feet of the project boundaries.
 - B. The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels.
 - C. The projected traffic flow pattern, including vehicular movements at all major intersections likely to be affected by the proposed use of the site.
 - D. The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities.
 - E. Traffic assessment data shall be no more than twelve (12) months as of the date of the application.
 - F. All off-site improvements required as a condition of site plan approval must be necessitated by the proposed project.
 - (b) Environmental impact assessment.
 - (i) Purpose. To describe the impacts of the proposed project with respect to on-site and off-site environmental quality.
 - (ii) Format and scope:

- A. Description and evaluation of potential quality of air, surface water and groundwater adjacent to or directly affected by the proposed development; on-site or off-site flooding, erosion and/or sedimentation resulting from alterations to the project site, including grading changes and increases in impervious areas; on-site or off-site hazards, radiological emissions or other hazardous materials; adverse impacts on temperature and wind conditions on the site and adjacent properties; impacts on solar access of adjacent properties; and off-site noise or light impacts.
 - B. Evaluation of the adequacy of existing or proposed systems and services for water supply and disposal of liquid and solid wastes.
 - C. Description of proposed measures for mitigation of any potential adverse impacts identified above.
- (c) Fiscal impact assessment; format and scope.
- (i) Projections of cost arising from increased demands on public services and infrastructure.
 - (ii) Projections of the impacts from increased tax revenue, employment (construction and permanent), and value of the public infrastructure to be provided.
 - (iii) Projections of the impacts of the proposed development on the values of adjoining properties.
 - (iv) Five-year projections of increased town revenues and costs resulting from the proposed development.
- (d) Community impact assessment; format and scope:
- (i) Evaluation of the relation of the proposed new or altered structure to the surrounding community in terms of character and intensity of the use (e.g., scale, materials, colors, setbacks, roof and cornice lines and other major design elements); and the location and configuration of proposed structures, parking areas and open space with respect to neighboring properties.
 - (ii) Identification of impacts on significant historical properties, districts or areas or archaeological resources (if any) in the vicinity of the proposed development.
 - (iii) Evaluation of the proposed project's consistency of compatibility with existing local and regional plans.

(17) A copy of all permits, approvals, variances and applications applied for and obtained for the project and property, including an application for utility connection permits.

(a) The Planning Board may waive any of the requirements listed above if it believes that said requirement is not necessary based upon the size and scope of the project.

4. Standards for review. The Planning Board shall review the site plan and supporting materials, taking into consideration the reasonable fulfillment of the objectives listed below. Detailed design guidelines and performance standards shall be adopted to guide decisions with respect to these objectives and to help ensure consistency in the review of all applications.
- a. Legal. Conformance with the provisions of the bylaws of the town, the General Laws of Massachusetts and all applicable rules and regulations of local, State and Federal agencies.
 - b. Traffic. Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
 - c. Parking. Provisions for the off-street loading and unloading of vehicles, incidental to the normal operation of the establishment; adequate parking; adequate lighting; and internal traffic control.
 - d. Town services. Reasonable demands placed on town services and infrastructure.
 - e. Pollution control. Adequacy of methods for sewage and refuse disposal and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.
 - f. Nuisance. Protection of abutting properties and town amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, storm water runoff, etc.
 - g. Existing vegetation. Minimizing the area over which existing vegetation is to be removed. Where tree removal is necessary, special attention shall be given to the planting of replacement trees.
 - h. Amenities. The applicant's efforts to integrate the proposed development into the existing landscape through design features, such as vegetative buffers, roadside planting and the retention of open space and agricultural land.
 - i. Town character. The setback areas and location of parking, architectural compatibility, signage and landscaping of the development and how these features harmonize with the surrounding townscape and the natural landscape.

G. Development Standards

In order to be eligible for consideration for a special permit pursuant to this Section, the proposed development shall meet all of the following standards:

1. Density. For the conversion of the historic mill property that proposes residential uses, the maximum number of dwelling units shall not exceed fifteen (15) units per gross acre of all combined parcels of the development.
2. Dimensional regulations. The proposed development shall be exempt from Article IV of these Bylaws, and the following dimensional requirements shall apply in place thereof:

USE	FRONT	SIDE	REAR
New Building	15'	10'	10'
Accessory*	10'	10'	10'
Parking area	5'	5'	5'
Driveway	5'	5'	5'

* Any accessory use to the principle use.

Existing structures to be razed may be replaced in and on the original location.

3. Parking. Number of Parking Spaces. The Applicant shall provide adequate parking to serve all anticipated uses on the property, with information detailing the method of computation of parking spaces. The minimum number of parking spaces shall be computed using the requirement of one and one-half (1.5) spaces per unit. The Planning Board may allow a reduction of the required number of spaces by up to twenty-five percent (25%) if it can be demonstrated that two (2) or more uses within the development can share parking spaces. In determining the appropriate reduction, if any, the Planning Board may give consideration to the hours of operation and/or usage of the proposed uses within the development, the opinions of merchants, residents and municipal officials as to the adequacy or inadequacy of parking spaces within the surrounding area, as well as other relevant information.
4. Expansion of Existing Buildings. Existing buildings, through a special permit under this section, may be expanded provided that such expansion is consistent with the existing building's historic character and scale and does not cause substantial detriment after considering the factors set forth herein.
5. New Buildings. New buildings, through a special permit under this section, may be constructed provided that the number, type, scale, architectural style, and uses within such new buildings shall be subject to Planning Board Approval.

H. Action by the Special Permit Granting Authority

The SPGA hereunder after considering reports from consultants and other Boards and/or Commissions, may grant a special permit for the conversion of an historic mill property where it makes the following findings:

1. The proposed adaptive reuse constitutes an appropriate redevelopment; and

2. The proposed conversion does not cause substantial detriment to the neighborhood or town after considering the traffic, environmental, fiscal, and community impact assessments.

I. Exemption from the Growth Bylaw

The WMAROD shall be exempt from Section 400-31 of these Bylaws or any other bylaws that control rate of development. For the purpose of this Section, Building Permits will be limited to twenty-five (25) per year.

Vote required for passage: requires a 2/3rds vote per M.G.L. c40A §5

THE FINANCE COMMITTEE RECOMMENDATION: No recommendation without prejudice (5-1-0)

THE BOARD OF SELECTMEN RECOMMENDATION: Favorable Action (4-0-1)

THE PLANNING BOARD RECOMMENDATION: Favorable Action (5-0-0)

The motion was seconded

Moderator declares a 2/3rds majority vote, motion carries, Yes-100, No-12

ARTICLE 29: REVISIONS TO §400 – 20, §400-21, §400-22, AND §400-23
ZONING BYLAWS ARTICLE VI SPECIAL NON-RESIDENTIAL REGULATIONS

To see if the Town will vote to amend the Zoning Bylaws Article VI Special Non-Residential Regulations §400 – 20, §400-21, §400-22, and §400-23 by inserting the following revisions; or take any other action relative thereto.

SPONSOR: The Planning Board

COMMENTARY: *REFER TO ATTACHMENT B. The proposed amendments to §400 – 20, §400-21, §400-22, and §400-23 Article VI Special Non-Residential Regulations is intended to clean up typos and grammatical and formatting errors. There are no amendments that change the intent of the Bylaw or the language contained therein.*

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

ARTICLE VI

SPECIAL NONRESIDENTIAL REGULATIONS

§ 400-20 Special Permit for Major Nonresidential Project

A. Purpose

The purpose of this section is to protect the health, safety, convenience and general welfare of the inhabitants of the Town by providing for a review of plans for uses and structures which may have significant impacts on traffic, municipal and public services and utilities, environmental quality, community economics, and community values.

B. Applicability

Notwithstanding any provisions contained in Section 400-20 or elsewhere in these Bylaws to the contrary, a special permit from the Planning Board for a Major Nonresidential Project shall be required for all developments which meet any of the following thresholds:

1. Total gross floor area of twenty thousand (20,000) square feet or;
2. Fifty (50) or more required parking spaces;
3. Total daily trip generation of four hundred (400) or more trips as estimated by the Institute of Traffic Engineers Trip Generation Manual, latest edition;
4. Inclusion of a drive-in or drive-through facility. A drive-in or drive-through facility shall mean an establishment that by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles;
5. Electrical generating facilities with a capacity of three hundred fifty (350) megawatts or less using natural gas, renewable and ultra-low sulfur fuels, wind, provided-however, that the Planning Board shall not issue special permits for more than two electrical generating facilities in the Town or for a combined production capacity of more than five hundred (500) megawatts in total.

C. Application and Review Procedure

1. Prior to the formal filing of an application and the required exhibits under this section, the applicant shall submit seven (7) copies of a plan showing the existing and proposed buildings and structures, parking spaces, access way, landscaping, and uses with the Planning Board, and shall request a meeting with the Board for a scoping session to define the scope of the project, the specific information that may be needed, and any waivers from the procedural and technical requirements of this Section, or shall request that a scoping session be waived because the scale and scope of the project does not warrant it or because the project is a modification of a previously approved site plan.
2. After the scoping session, or after the scoping session was waived by the Planning Board, the applicant shall submit the number of copies required by the Rules and Regulations of the Planning Board of the items specified herein, except for those waived by the Board. The Board shall forthwith distribute copies thereof to the Building Commissioner, Board of Health, Conservation Commission, Police and Fire Departments, Department of Economic Development and Community Planning, Department of Public Works, Water Department, Board of Selectmen, and such other Departments and Boards as the Planning Board may deem appropriate.
3. Such agencies shall, within thirty-five (35) days of receiving said copy, report to the Planning Board on (1) the adequacy of the data and the methodology used by the applicant to determine impacts of the proposed development and (2) the effects of the projected impacts of the proposed development. Said agencies may recommend conditions or remedial measures to accommodate or mitigate the expected impacts of the proposed development. Failure by any such agency to report within the allotted time shall constitute lack of opposition by that agency as to the adequacy of the submittal and to the project itself.
4. The Planning Board shall not render a decision on said application until it has received and considered all reports requested from Town Departments and Boards, or until the thirty-five (35) day period has expired, whichever is earlier. Where circumstances are such that the thirty-five (35) day period is insufficient to conduct an adequate review, the Planning Board may, at the written request of the applicant or any Board, Department or Official named in Paragraph B above, extend such period to sixty (60) days.

5. The Planning Board shall hold a public hearing on any properly completed application within sixty-five (65) days after filing, shall properly serve notice of such hearing, and shall render its decision within ninety (90) days of the close of said hearing. The hearing and notice requirements set forth herein shall comply with the requirements of M.G.L. chapter 40A, Section 11. All costs of the notice requirements shall be at the expense of the applicant.
6. If the Major Nonresidential Project also requires a special permit from the Board of Appeals, the petition to the Zoning Board of Appeals shall be filed not earlier than fourteen (14) days after receipt of the fees, plans, and the complete application for a Major Nonresidential Project Special Permit.

D. Contents and Scope of the Application

An application under this section shall comprise the following drawings, exhibits, and statement prepared by and bearing the seals and signatures of qualified professionals, such as a registered professional engineer, architect, land surveyor, landscape architect and others, as necessary, and shall include a completed application form signed by the owner of the site, and the required back-up information or exhibits, processing and review fees. The Planning Board shall require substantive compliance with these requirements and with the following requirements for impact statements, and may, by regulation or vote, impose additional requirements, interpret and apply these requirements, and grant waivers therefrom when warranted by the scope of the project or other special circumstances, and the ability to review the project is not affected adversely by the waiver:

1. A site plan at a scale of 1" = 40', unless a different scale has been approved by the Planning Board, showing existing and proposed (including changes of grade):
 - a. the recorded boundaries and area of the parcel of land;
 - b. the location, size and material of all buildings and structures;
 - c. public utilities or services;
 - d. parking areas, paved walks, drives, and other spaces;
 - e. landscaped areas;
 - f. wooded areas and major freestanding trees;
 - g. outdoor lights;
 - h. streams, water bodies, wetlands and flood plains;
 - i. topography of the site and of abutting areas for at least 300 adjacent feet;
 - j. zoning district boundaries;
 - k. names of abutting owner according to Assessor's records;
 - l. names and widths of streets;
 - m. purposes and dimensions of easements and rights of ways on or within three hundred (300)

feet of the site.

2. Landscaping and planting, including plant species and size, outdoor lighting and illuminated signs, fences and screening, shall be shown on a separate sheet or sheets in sufficient detail to permit evaluation.
3. A perspective view or isometric drawing of the proposed development shall be provided, unless this requirement is waived by the Planning Board, or unless the site plan review is required due to a change in use and no structural changes are planned.
4. Building elevations and floor plans, showing the proposed uses, outside material and color of all buildings, unless no exterior or floor plan change is planned. A tabulation of proposed employees, occupants, and floor areas to be devoted to various uses, and of the existing, required and proposed parking spaces for such uses shall be provided on the floor plan drawing (show all floors and basement).
5. A locus plan at a scale of 1" = 100' showing streets, lots, buildings, and topography at five (5) or ten (10) ft. contour interval, respectively, for at least five hundred (500) feet from the site, shall be included on the cover sheet or separately.

E. Statements

The following impact assessment statements shall be submitted with the application:

1. Traffic impact assessment: Its purpose shall be to document the existing traffic volumes, capacities, controls, road condition, hazards, and level of service on the site and the streets adjacent to the site; to project changes due to the site development and to the background traffic growth or decline; to assess the projected impact of such changes; and to propose and discuss management and structural improvements and mitigation measures, both on and off the site.
2. Environmental impact assessment: It shall include a substantiated assessment of the existing and expected post-development environmental conditions, including air and water quality, pollution of ground, water, and air, noise levels, harmful or noxious emissions, damage or threat to wetlands and flood plain, plants and animals, and the visual environment. The potential for erosion or sedimentation and the proposed or existing control measures shall be discussed. Glare, smoke, odors, vibration, electromagnetic radiation, effects on groundwater supply, streams, water bodies, unique or valuable vistas, symbiotic ecological relationships of animal and plant communities, and compatibility of the project with the existing and future natural and manmade environment shall be considered, and any expected changes and preventive or corrective actions shall be discussed. Waste disposal, snow removal, maintenance of landscaped and paved areas, off-site environmental impacts, and drainage shall be discussed, and pre- and post-development drainage calculations for ten (10) and one hundred (100) year storm shall be included.
3. Community and fiscal impact assessment: The assessment shall consider the existing and projected demand for public or municipal services (such as schools and cultural institutions, fire and police, medical and social services, water and sewer, waste disposal, administrative and inspection services), historical and visual compatibility, revenues to the town, voluntary contributions and services, and the effects of the project failing, not living up to the projections, or having to modify structures and uses for economic reasons. The assessment shall also consider fiscal or economic impacts, and compatibility with the town Master Plan and other plans and development policies,

and shall explain and evaluate any zoning changes or variances sought or obtained.

F. Development Impact Standards and Recommendations

The following standards and recommendations shall be used by the applicants in preparing plans and by the Planning Board in reviewing them. The required standards must be substantially met in order for a special permit to be granted, the recommended standards are intended as a flexible guide and not meant to discourage creativity and innovation.

1. Required Traffic and Parking Standards

- a. The net effect of the project and the mitigating measures or improvements (the execution of which must be guaranteed) shall be no worsening of the level of service by more than one level or level D or E on the streets providing access to or egress from the site and within the nearest public street intersections in either direction.
- b. Traffic signs and signals, storage and turning lanes and movements, curbs and curb cuts, pavement widths and grades, separation of pedestrian and vehicular traffic, sight distances, directional signs and markings shall all conform to the professional norms and design standards of the Institute of Transportation Engineers, and to the accepted professional standards.
- c. Binding provisions shall be made to compensate for errors in projecting the potential traffic volumes and travel routes.
- d. The traffic study shall be based on actual counts on any street or intersection likely to be affected by the development taken within twelve (12) months prior to the filing of the application.
- e. The required parking for a Major Nonresidential Project shall be calculated in accordance with the following schedule:

Retail use	1 space per 250 sq. ft. gross floor area
Office use	1 space per 200 sq. ft. gross floor area
Other nonresidential use	1 space per 200 sq. ft. gross floor area
Manufacturing/Warehouse/ Industrial use	1 space per 1500 sq. ft. gross floor area

The Planning Board may reduce the amount of required parking where the applicant demonstrates that shared parking or other available parking is sufficient to serve the premises. The minimum size of each required parking space shall be eighteen (18) feet by nine (9) feet.

2. Recommended Traffic Standards

- a. Make legally binding arrangements to reduce traffic by single occupancy cars and to promote public transportation, carpools, off-site parking for employees, and other traffic-reducing measures.
- b. Minimize traffic conflict points between vehicles and pedestrians by adhering to the subdivision street design standards of the Rules and Regulations for the Subdivision of

Land in Uxbridge.

- c. Locate access and exit points so as to route site-generated traffic so far as practicable away from residential streets.

3. Required Environmental Standards

- a. The proposed development shall not cause significant environmental harm or hazard through emissions of noise, dust, fumes, toxic or noxious gases, electromagnetic radiation, water pollution, soil contamination, excessive smoke, vibration, or other toxic, harmful, or hazardous agents.
- b. The proposed development shall not increase the potential for sedimentation, erosion, or flooding, raise the water table, either on site or on adjacent properties and streets, to an appreciable extent, and shall not increase the rate of runoff from the site, unless such increase is deemed by the Planning Board to be beneficial.
- c. Exterior lighting shall be arranged to minimize glare and objectionable spillover onto adjacent properties.
- d. No unique environmental features, habitats, or vistas shall be endangered or destroyed.
- e. Proper mitigation measures shall be taken to minimize any unavoidable harmful impacts, and replication or relocation shall be used, where appropriate, to preserve valuable environmental features, parts of which may be adversely affected or damaged by the proposed development.

4. Recommended Environmental Standards

- a. Locate proposed structures so as to minimize obstruction of sunlight during daylight hours and to allow the use of solar energy panels.
- b. Use planting and landscaping to create a visually pleasing setting and to screen parking and service areas, especially from residential neighborhoods.
- c. Where possible, recharge uncontaminated water to the ground and minimize discharges to public storm and sanitary sewers.

5. Required Community and Fiscal Standards

- a. The revenue and service fees from the projected development shall equal or exceed the projected cost of public services attributable to it as its share of the total municipal cost of such services.
- b. In the event that the projected development does not materialize as envisioned, provisions shall be made to minimize adverse financial, social, and visual impacts and to prevent deterioration and blight.
- c. If the proposed development will require or accelerate off-site capital expenditures to provide the needed facilities and services or to mitigate adverse impacts, the applicant (owner) shall be responsible for the payment of impact fees at least equal to the share of

the total cost attributable to the project, but excluding any part of such capital expenditures coming from Federal or State grants and any part of the operating costs.

6. Recommended Community and Fiscal Standards

- a. Make the development conform, so far as feasible, to any adopted plans for the town or the neighborhood, including plans for land use and zoning, open space and conservation, circulation and the expansion of water, sewer, and other services and facilities.
- b. Make the development consistent or compatible with the neighborhood as regards the size, materials, style, and treatment of elements of structures. This shall not be interpreted to mandate uniformity or discourage creativity.
- c. Minimize grading and destruction of the natural ground cover by adapting development to the environment, rather than changing the environment more than necessary.
- d. Design to keep low the cost of operation and maintenance of public services and facilities.

G. Planning Board Findings and Action

Prior to approving, approving with modifications and conditions, or disapproving a special permit, the Planning Board shall make written findings whether the application meets each of the required traffic, environmental, community and fiscal standards, and to what extent the various recommended standards are applicable and are met by the proposal. The Planning Board shall also make a written finding whether the application as a whole substantially conforms to the intent of these Bylaws and proposes an appropriate and beneficial development of the site. The findings shall be included in the certificate of action which the Planning Board shall transmit to the applicant, the Town Clerk, the public agencies which submitted written comments on the site plan, and to any person attending the public hearing who has requested a copy of the decision. If the Board approves the Special Permit, the certificate of action shall also list any waivers granted by the Planning Board and any modifications, conditions, and safeguards imposed at the time of approval.

1. Except where the required standards are clearly inapplicable or have no effect, or where the impact would be as severe if the site were developed in a way requiring no Special Permit, review and permissible as of right, the Planning Board shall not grant waivers from the required standards or grant a Special Permit, not meeting some of the required standards. A Special Permit, application not meeting two or more recommended standards may be disapproved, or the Planning Board may find that the standards do not apply, are of no significance, or their intent is adequately met by other means.
2. Approval may be conditioned on the applicant modifying the plan or meeting other requirements before the Special Permit, is granted by the Planning Board.
3. Approval may be conditioned on the applicant meeting certain requirements after the appeal period has expired either before construction work begins or by the time a specified stage is reached. Such conditions may be enforced by refusal by the Building Inspector to issue an Occupancy Permit, or by realizing on any surety posted by the applicant to ensure satisfactory performance.

H. Conditions, Limitations and Safeguards

In granting a Special Permit, the Planning Board may impose conditions, limitations and safeguards which shall be in writing and shall be a part of such special permit. Such conditions may include, among other matters and

subjects:

1. Controls on the location and type of access to the site;
2. Controls on the number of vehicles that arrive or depart during the morning and/or evening peak hours (including controls on the maximum number of vehicles which may use the off-street parking areas during said periods);
3. Requirements for off-site improvements to improve the capacity and safety of roads, intersections, pedestrian ways, water, sewer, drainage, and other public facilities which are likely to be affected by the proposed development;
4. Requirements for donation and/or dedication of land for right-of-way to provide for future roadway and/or intersection widening or improvements;
5. Requirements for securing the performance of all proposed work, including proposed off-site improvements, by either or both of the following methods:
 - a. A performance bond, a deposit of money, negotiable securities, letter of credit, or bank passbook in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements required as conditions of approval.
 - b. A covenant running with the land, executed and duly recorded by the owner of record, whereby the required improvements shall be completed before the property may be conveyed by other than a mortgage deed.
6. Conditions to minimize off-site impacts on traffic and environmental quality during construction.

I. Administration

The Planning Board shall establish and may periodically amend rules and regulations relating to the administration of this section, including additional regulations relating to the scope and format of reports required hereunder. The Planning Board shall establish and may periodically amend a schedule of fees for all applications under this section. No application shall be considered complete unless accompanied by the required fees.

1. The Planning Board shall be responsible for deciding the meaning or intent of any provision of this section which may be unclear or in dispute.

§ 400-21 Adult Entertainment

A. Authority

This Section is enacted pursuant to M.G.L. Chapter 40A and pursuant to the Town's authority under the Home Rule Amendment to the Massachusetts Constitution to serve the compelling Town interest of limiting the location of and preventing the clustering and concentration of certain adult entertainment uses, as defined and designated herein, in response to studies demonstrating their deleterious effects.

B. Purpose

It is the purpose of this Section to address and mitigate the secondary effects of the adult entertainment establishments and sexually oriented businesses that are referenced and defined herein. Secondary effects have been shown to include increased crime, adverse impacts to public health, adverse impacts on the business climate of the Town, adverse impacts on the property values of residential and commercial properties and impacts on the quality of life in Town. All of said adverse impacts are averse to the health, safety and general welfare of the Town of Uxbridge and its inhabitants. The provisions of this Section have neither the purpose nor intent of imposing a limitation on the content of any materials. Similarly, it is not the purpose or intent of this Section to restrict or deny access by adults to adult entertainment establishments or to sexually oriented matter or materials that are protected by the Constitution of the United States or of the Commonwealth of Massachusetts, nor to restrict or deny rights that distributors of exhibitors of such matter or materials may have to sell, rent, distribute or exhibit such matter or materials. Neither is it the purpose or intent of this Section to legalize the sale, rental, distribution or exhibition of obscene or other illegal matter or materials.

C. Location and Uses

Adult Entertainment establishments shall be permitted only in the Industrial A (I-A) and Industrial B (I-B) zoning districts, by special permit of the Planning Board. Adult entertainment uses shall include the following: adult bookstores, adult motion picture theaters, adult paraphernalia store, adult video store, and establishments which display live nudity for its patrons, all as defined by Chapter 40A, Section 9A.

D. Permitted by Special Permit

Adult entertainment uses shall be prohibited in all zoning districts except as otherwise permitted by these Bylaws and may be permitted only upon the grant of a special permit by the Planning Board. Such a special permit shall not be granted unless each of the following standards has been met:

1. The application for a special permit for an adult use shall provide the name and address of the legal owner of the establishment, the legal owner of the property, and the manager of the proposed establishment.
2. No adult use special permit shall be issued to any person convicted of violating the provisions of M.G.L. Chapter 119, Section 63, or M.G.L. Chapter 272, Section 28.
3. Adult uses shall not be located within:
 - a. One thousand (1,000) feet from the nearest church, school, park, playground, play-field, youth center, or 1000 feet from any school bus stop.)
 - b. One thousand (1,000) feet from the nearest establishment licensed under M.G.L. Chapter 138, § 12; or
 - c. Five hundred (500) feet from the nearest adult entertainment use as defined herein; or
 - d. One thousand (1,000) feet from the nearest residential zoning district.

The distances specified above shall measure by a straight line from the nearest property line of the premises on which the proposed adult entertainment use is to be located to the nearest boundary line of a residential zoning district or to the nearest property line of any other designated uses set forth above.

4. All building openings, entries or windows shall be screened in such a manner as to prevent visual access to the interior of the establishment by the public.
5. No adult uses shall be allowed for display or advertisement or other purposes any sign, placard or other like materials to the general public on the exterior of the building or on the interior where the same may be seen through glass or other like transparent material any sexually explicit figures or words as defined in M.G.L. Chapter 272, Section 32.
6. No adult use shall be allowed to disseminate or offer to disseminate adult matter or paraphernalia to minors or to allow minors to view displays or linger on the premises.
7. The proposed adult entertainment uses shall comply with all of the parking requirements set forth by these Bylaws.
8. No adult entertainment use shall have a freestanding accessory sign. No adult entertainment use shall be established prior to the submission and approval of a site plan by the Planning Board.

E. Conditions

The Planning Board may impose reasonable conditions, safeguards and limitations on time or use of any Special Permit granted and shall require that any such permit shall be personal to the applicant, shall not run with the land, and shall expire upon sale or transfer of the subject property.

F. Expiration

A Special Permit to conduct an adult entertainment use shall expire after a period of three calendar years from its date of issuance and shall be automatically renewable for successive three year periods thereafter provided that a written request for such renewal is made to the Planning Board prior to said expiration and that no objection to said renewal is made and sustained by the Planning Board based upon the public safety factors applied at the time that the original Special Permit was granted.

§ 400-22 Trailers; Junk Cars

A. Tourist Camps, Trailer Parks and Construction Trailers

No tourist camp or trailer park will be permitted to locate within boundaries of the Town and no individual house trailer or mobile home shall be located within the boundaries of said Town for a period exceeding fourteen (14) days; except in the case of a Town-designated seasonal work camper at Pout Pond, in which case such house trailer or mobile home may be located in the boundaries of Pout Pond for the period of May 1 through September 30 of any given year. Construction trailers will be allowed for a period not to exceed one (1) year; provided, however, that said construction trailer shall not be used for living quarters. A permit for construction trailers must be obtained from the Zoning Inspector. This Section is not to apply to individual house trailers that are permanently located within the Town at the time of the adoption of these Bylaws.

B. Junk Cars

No junk cars shall be located within the boundaries of the Town of Uxbridge unless a Special Permit therefore has been obtained in accordance with Section 400-50.

**§400-23 Marijuana establishments, and medical marijuana treatment centers
Establishments, and Medical Marijuana Treatment Centers**

A. Definitions

Under Chapter 400, ZONING BYLAWS, the following definitions shall be provided:

1. Consumer - a person who is at least 21 years of age.
2. Host Community – The Town of Uxbridge.
3. Host Community Agreement (HCA) – an agreement setting forth the conditions to have a marijuana establishment or medical marijuana treatment center located within the host community which shall include, but not be limited to, all stipulations of responsibilities between the host community and the marijuana establishment or a medical marijuana treatment center.
4. Marijuana - all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in Section 1 of Chapter 94C of the Massachusetts General Laws; provided that Marijuana' shall not include:
 - a. The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
 - b. Hemp; or
 - c. The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.
5. Marijuana cultivator - an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.
6. Marijuana establishment - a marijuana cultivator, marijuana testing facility, marijuana research facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.
7. Medical marijuana treatment center - shall mean an entity, as defined by Massachusetts law only, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.
8. Marijuana testing facility - an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.
9. Marijuana research facility – an entity licensed to cultivate, purchase or acquire marijuana to conduct research regarding marijuana and marijuana products.
10. Marijuana products - products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products,

beverages, topical products, ointments, oils and tinctures.

11. Marijuana product manufacturer - an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.
12. Marijuana retailer - an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

A. Number of Marijuana Establishments and Medical Marijuana Treatment Centers

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

B. Location and Uses

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

1. The Board of Selectman shall negotiate and execute a Host Community Agreement (HCA) with the proposed marijuana establishment or medical marijuana treatment center.
2. Any marijuana establishment or medical marijuana treatment center must be located within whichever district permissible under Appendix A, Table of Use Regulations.
3. Said uses shall additionally not be located within seven hundred fifty (750) feet from the nearest school providing education for grades K-12

The distances specified above shall measure by straight line from the nearest corner of the building on which the proposed said use is to be located, to the nearest boundary line to the nearest property line of the school.

4. Except during transportation, marijuana or marijuana products held at any marijuana establishment or medical marijuana facility shall be located within a secure indoor facility.
5. No use covered herein shall be allowed to disseminate or offer to disseminate marijuana products or product advertising to minors or to allow minors to view displays or linger on the premises, except for medical marijuana treatment centers.
6. No use covered herein shall be allowed to have a freestanding accessory sign in the Town of Uxbridge.

C. Enforcement and Violations

The Board of Selectmen, or its designee, shall enforce these regulations and may pursue all available remedies for violations, or take any other action relative thereto.

Violations of any provision of this Bylaw may be addressed administratively; by non-criminal disposition as provided in MGL Chapter 40 Section 21D with fine of three hundred dollars (\$300) per violation; or prosecuted through criminal complaint procedure.

Each day a violation occurs shall be considered a separate violation hereunder.

D. Municipal Charges Lien

If any fine remains unpaid after six (6) months from its due date, it shall become a Municipal Charge Lien pursuant to the provisions of M.G.L. Chapter 40, Section 58. If the bill(s) remains unpaid when the Assessors are preparing a real estate tax list and warrant to be committee under MGL Chapter 59, Section 53, the Board or officer in charge of the collection of the municipal fee or charge shall certify such charge or fee to the Assessors, who shall add such to the tax bill on the property to which it relates and commit it with their warrant to the Tax Collector as part of such tax bill.

E. 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.

§ 400-24 **Reserved**

§ 400-25 **Reserved**

§ 400-26 **Reserved**

§ 400-27 **Reserved**

Vote required for passage: Requires a 2/3rds majority per M.G.L. c.40A §5

THE FINANCE COMMITTEE RECOMMENDATION: No recommendation without prejudice (5-1-0)

THE BOARD OF SELECTMEN RECOMMENDATION: Favorable Action (4-0-1)

THE PLANNING BOARD RECOMMENDATION: Favorable Action (5-0-0)

The motion was seconded

Moderator declares a 2/3rds majority vote, motion carries, Yes-96, No-17

ARTICLE 30: REVISE UXBRIDGE ZONING BYLAWS APPENDIX B, TABLE OF USE REGULATIONS

To see if the Town will vote to revise the Uxbridge Zoning Bylaws Appendix B, Table of Use Regulations with the attached revisions for the purpose of cleaning up the bylaw, language and allowing more businesses in the business and industrial zones.

SPONSOR: The Planning Board

COMMENTARY: REFER TO ATTACHMNET C. This article will revise the title to reflect as Appendix A rather than Appendix B. The remaining revisions to this appendix are corrections of typos, terminology, and spelling.

MOTION: Move that the article be accepted as written.

Appendix A Table of Use Regulations

USE	DISTRICTS					I-A	I-B
	R-A	R-B	R-C	A	B		
<u>A. Residential Uses</u>							
Apartment house	Y	N	N	N	N	N	N
Conservation Design Development	N	N	N	PB	N	N	N
Open Space Development	PB	PB	N	N	N	N	N
Single-family dwelling	Y	Y	Y	Y	N	N	N
Townhouse development	PB	N	N	N	N	N	N
Two-family/duplex dwelling	Y	Y	N	N	N	N	N
<u>B. Exempt and Institutional Uses</u>							
Child care facility	Y	Y	Y	Y	Y	Y	Y
Educational use, nonexempt	ZBA	ZBA	ZBA	N	N	N	N
Essential services	Y	Y	Y	Y	Y	Y	Y
Facility for the sale of produce, wine and dairy products, provided that during the months of June, July, August and September of every year, or during the harvest season of the primary crop, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner of the land containing more than five acres in area on which the facility is located	Y	Y	Y	Y	Y	Y	Y
Hospital or other medical institution	ZBA	ZBA	ZBA	N	PB	PB	PB
Municipal facility	Y	Y	Y	Y	Y	Y	Y
Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than five (5) acres in area	Y	Y	Y	Y	Y	Y	Y
Use of land or structures for educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	Y	Y	Y	Y	Y	Y	Y
Use of land or structures for religious purposes	Y	Y	Y	Y	Y	Y	Y
<u>C. Agricultural Uses</u>							
Farm, truck garden, nursery or greenhouse with less than five (5) acres	ZBA	ZBA	ZBA	Y	PB	PB	PB
Farm, truck garden, nursery, greenhouse or other agricultural or horticultural Use	N	N	N	Y	PB	PB	PB
Nonexempt agricultural use	ZBA	ZBA	N	ZBA	N	N	N
<u>D. Commercial Uses</u>							
Adult entertainment establishment	N	N	N	N	N	PB	PB

Airport or landing field, commercial	N	N	N	N	N	N	N
Animal clinic/hospital/rescue/adoption	N	N	N	Y	PB	PB	PB
Bank, financial agency	N	N	N	N	Y	Y	Y
Bed and breakfast establishment	ZBA	ZBA	N	N	N	N	N
Billboards, including any sign of more than forty (40) square feet	N	N	N	N	N	N	N
Boarding house	ZBA	N	N	N	N	N	N
Business or professional office, including medical	ZBA	N	N	N	Y	Y	Y
Commercial recreation, indoor	N	N	N	N	Y	Y	Y
Commercial recreation, outdoor	N	N	N	Y	PB	PB	PB
Funeral home	ZBA	ZBA	ZBA	N	PB	N	N
Garaging and maintaining more than three (3) automobiles of the passenger type	ZBA	N	ZBA	N	ZBA	ZBA	ZBA
Gasoline or oil filling station	N	N	N	N	ZBA	ZBA	ZBA
Hotel or motel located on a tract of land at least two (2) acres in area and at least one hundred fifty (150) feet from any permanent residential building	N	N	N	Y	Y	Y	Y
Laundry or laundromat; dry cleaning establishment	N	N	N	N	ZBA	ZBA	ZBA
Life Science and Life Science Technology	N	N	N	N	Y	Y	Y
Marijuana establishment	N	N	N	N	N	N	Y
Medical marijuana treatment center	N	N	N	N	N	N	Y
Nursing or convalescent home; home for the aged	ZBA	ZBA	ZBA	N	N	N	N
Personal service establishment	N	N	N	N	Y	Y	Y
Private club, nonprofit	ZBA	ZBA	N	ZBA	N	N	N
Private stable, nonprofit	ZBA	ZBA	ZBA	ZBA	N	N	N
Racetrack	N	N	N	N	N	N	N
Restaurant; diner	ZBA	N	N	Y	Y	Y	Y
Retail stores and/or services	ZBA	N	N	N	Y	Y	Y
Shopping center	N	N	N	N	Y	Y	Y
<u>E. Industrial Uses</u>							
Blacksmith shop; farrier	N	N	N	PB	N	PB	PB
Contractor's yard	N	N	N	PB	PB	PB	PB
Earth removal	ZBA	ZBA	ZBA	BI	PB	PB	PB
Electrical generating facilities with a capacity of three hundred fifty (350) megawatts or less on a minimum site area of fifteen (15) acres using natural gas, renewable and ultra low sulfur fuels, wind.	N	N	N	N	N	PB	PB
Electrical generating facility; cogeneration facility	N	N	N	N	N	N	N
Junkyard or automobile graveyard	N	N	N	N	N	N	N
<u>E. Industrial Uses (continued)</u>							

Lumber, fuel or ice establishment	N	N	N	N	ZBA	ZBA	ZBA
Manufacture, storage, transportation or disposal of hazardous material	N	N	N	N	N	N	N
Manufacturing establishment	N	N	N	N	PB	PB	PB
Renewable or Alternative Energy research and development facilities	N	N	N	N	N	Y	Y
Renewable or Alternative Energy manufacturing facilities	N	N	N	N	PB	Y	Y
Solar Photovoltaic ground mounted solar farm	N	PB	PB	PB	PB	PB	PB
Stone mason yard	N	N	N	N	N	ZBA	ZBA
Warehouse and/or distribution	N	N	N	N	PB	Y	Y

F. Other Uses

Airport or landing field, noncommercial	N	N	N	Y	N	N	N
Cemetery or crematory, nonprofit	ZBA	ZBA	ZBA	ZBA	N	N	N
Penitentiary	N	N	N	N	N	N	N

G. Accessory Uses

Home occupation	Y	Y	Y	Y	N	N	N
Juice bar, as an accessory use to a private club, restaurant or country club	N	N	N	ZBA	N	N	N
Retail trade or shop for manufacturing articles incidental to and as an accessory use to a retail business	ZBA	N	N	N	Y	Y	Y

Key: Y = Permitted, N = Not permitted, ZBA = Permitted by Special Permit granted by the Zoning Board of Appeals, PB = Permitted by special permit granted by the Planning Board, BI = Permitted following approval by the Building Inspector. The use, production, manufacture, or storage of Recombinant DNA is prohibited without first obtaining a PERMIT issued by the Board of Health. The allowance of Restaurant/Diner, Retail stores and/or services, Business or professional office, including medical, and Retail trade or shop for manufacturing articles incidental and as an accessory use to a retail business, as may be permitted by the ZBA, is hereby limited to structures with a total finished area in excess of four thousand (4,000) square feet, built prior to 1930, and listed on the national and state register of historic places.

Vote required for passage: Requires a 2/3rds majority per M.G.L. c.40A §5

THE FINANCE COMMITTEE RECOMMENDATION: Favorable Action (6-0-0)
THE BOARD OF SELECTMEN RECOMMENDATION: Favorable Action (4-0-1)
THE PLANNING BOARD RECOMMENDATION: Favorable Action (5-0-0)

The motion was seconded

Moderator declares a 2/3rds majority vote, motion carries, Yes-106, No-9

ARTICLE 31: REVISE UXBRIDGE ZONING BYLAWS APPENDIX B, TABLE OF DIMENSIONAL REQUIREMENTS

To see if the Town will vote to revise the Uxbridge Zoning Bylaws Appendix B, Table of Dimensional Requirements with the attached revisions for the purpose of cleaning up the language.

SPONSOR: The Planning Board

COMMENTARY: SEE ATTACHMENT D. The proposed amendments to Appendix B – Table of Dimensions are intended to correct typos, grammatical and formatting errors as well as clarifying certain dimensional issues.

MOTION: Move that the article be accepted as written.

Appendix B

Table of Dimensional Requirements

Zone	Minimum Lot Size Sq. Ft.	Setbacks Principal Use			Setbacks Detached Garage or Accessory Use			Frontage		Height	
		Front ¹ (feet)	Side (feet)	Rear (feet)	Front ² (feet)	Side (feet)	Rear (feet)	Interior Lot (feet)	Corner Lot (feet)	Maximum Height (feet)	Maximum Number of Stories
R-A	2000 ³	30	25	30	65	5	5	125	140	35	2.5
R-B	43,560 (1Acre)	30	25	30	65	5	5	185	200	35	2.5
R-C	43,560 (1Acre)	40	30	Lesser of 40 ft. or 25% of lot depth, if at least 30 ft.	75	10	10	200	200	35	2.5
A	87,120 (2 Acres)	40	30	Lesser of 40 ft. or 25% of lot depth if at least 30 ft.	75	10	10	300	300	35	2.5
B	15,000	30	25	30	65	5	5	125	140	45	3
I-A	30,000	30	30	20	30	30	20	175	200	45	3
I-B	30,000	30	30	20	30	30	20	175	200	45	3

¹ In the case of a corner lot, the frontage requirement applies on either street.

² See Footnote 1 (above).

³ Plus for an Apartment House, 8,000 square feet per additional unit over one (1) up to four (4) apartment units per lot

Vote required for passage: Requires a 2/3rds majority per M.G.L. c.40A §5

THE FINANCE COMMITTEE RECOMMENDATION: Favorable action (5-0-1)

THE BOARD OF SELECTMEN RECOMMENDATION: Favorable Action (4-0-1)

THE PLANNING BOARD RECOMMENDATION: Favorable Action (5-0-0)

The motion was seconded

Moderator declares a 2/3rds majority vote, motion carries, Yes-109, No-5

ARTICLE 32: CITIZEN’S PETITION: MARIJUANA ZONING CHANGE

To see if the Town will vote to change a specific portion of the amended zoning by-law, which permits marijuana establishments in zone Industrial B (IB) but not in zone Industrial A (IA). ONLY to include cultivation, testing, research, and product manufacturing for this zone, IA. Not to include retail distribution or treatment centers for Zone IA

and to see if the Town will vote to change accordingly, the amended Zoning Bylaws “Table of Use Regulations” for zone IA to reflect ONLY the uses describe above as in the same definitions namely; cultivation, testing, research, and product manufacturing of marijuana.

SPONSOR: Citizen's Petition

COMMENTARY: *Citizen's petition articles are voted upon as written.*

MOTION: I move the Town Vote to allow the cultivation, testing, research and product manufacturing of marijuana and marijuana products, but not the retail sale of marijuana or medical marijuana treatment centers, within the Industrial A Zoning District by amending its Zoning Bylaws (Chapter 400) by inserting the following entries in Paragraph D. Commercial Uses of the Table of Use Regulations in the Appendix to said Bylaws.

USE	DISTRICTS						
	R-A	R-B	R-C	A	B	I-A	I-B
Marijuana cultivator	N	N	N	N	N	Y	Y
Marijuana product manufacturer	N	N	N	N	N	Y	Y
Marijuana research facility	N	N	N	N	N	Y	Y
Marijuana testing facility	N	N	N	N	N	Y	Y

Vote required for passage: Requires a 2/3rds majority per M.G.L. c.40A §5

FINANCE COMMITTEE RECOMMENDATION: Favorable Action (4-2-0)

BOARD OF SELECTMEN RECOMMENDATION: Favorable Action (4-1-0)

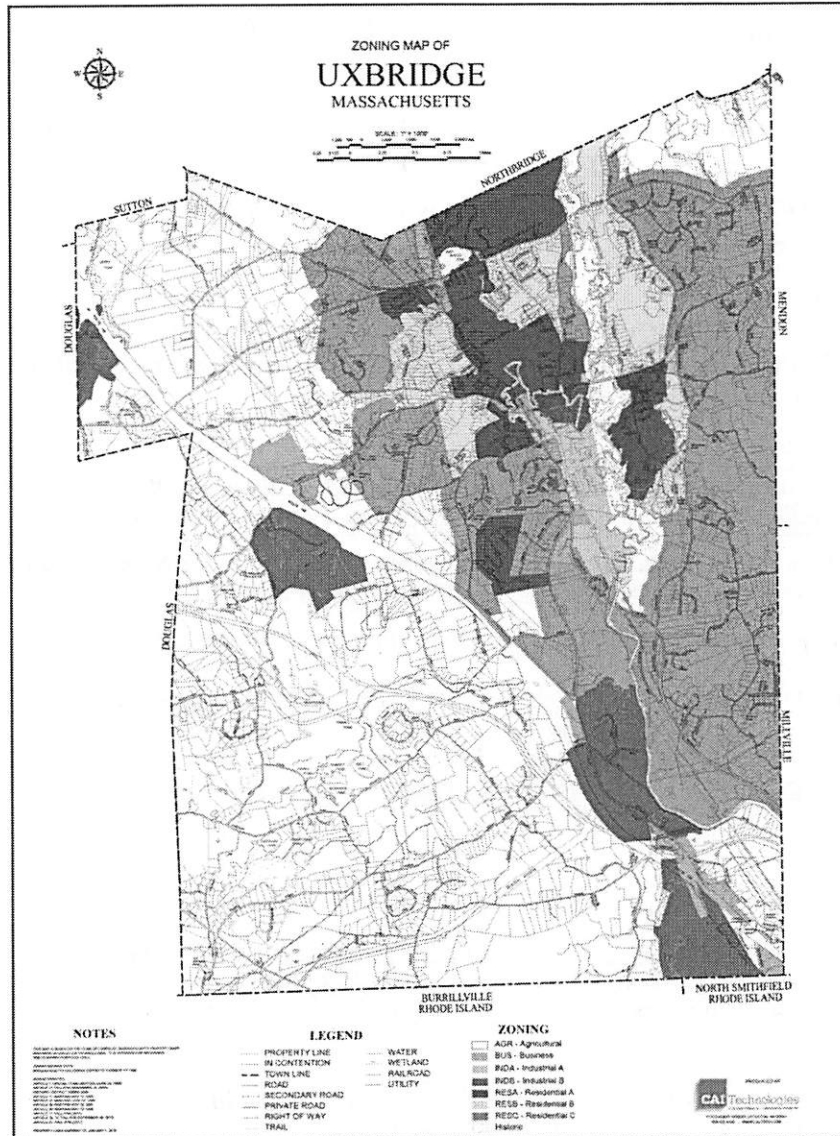
PLANNING BOARD RECOMMENDATION: Favorable Action as amended (5-0-0) See attached amended table. (ATTACHMENT E)

The motion was seconded

Moderator declares a 2/3rds majority vote, motion carries, Yes-86, No-27

**Appendix A
Table of Use Regulations**

USE	DISTRICTS						
	R-A	R-B	R-C	A	B	I-A	I-B
Marijuana establishment (<u>I-A: ONLY to include cultivation, testing, research, product manufacturing. No retail distribution or treatment centers</u>)	N	N	N	N	N	<u>NY</u>	Y
Medical marijuana treatment center	N	N	N	N	N	N	Y



* * * *

All Articles having been acted upon with the exception of articles 2, 4-11, which were postponed to a date and time certain. That date and time being June 18, 2019 at 7pm. A motion was made by the Board of Selectmen to recess the meeting and reconvene on Tuesday, June 18, 2019 at 7:00pm.

The motion was seconded
Moderator declares a 2/3rds majority, Yes-69, No-10

The Meeting recessed at 9:00pm.

Pursuant to the foregoing Warrant, the inhabitants of the Town of Uxbridge, qualified to vote in the Town elections and in Town affairs, reconvened at the Valley Chapel Auditorium, in Precinct 1, in said Uxbridge, and transacted the remaining business of Articles 2, 4-11 and 14 on June 18, 2018:

Moderator Charles "Ed" Maharay called the Special Town Meeting to order at 7:00pm, declaring the presence of a quorum (50 required, 160 voters present). Rules for conducting business and taking votes of the meeting were announced. The Town has purchased an electronic voting system and all Town Meeting votes will be taken by electronic vote.

ARTICLE 2: 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 other action related thereto.

SPONSOR: Town Manager

COMMENTARY: *This article serves to transfer FY 2018 Free Cash to the Stabilization Fund. If this article is approved, the opening balance in the Stabilization Fund before any other activity will be \$831,751*

MOTION: *Move that the Town vote to appropriate the sum of \$831,751 to the Stabilization Fund, and to meet said appropriation, transfer the sum of \$831,751 from Free Cash to such fund.*

Vote required for passage: a transfer to the stabilization fund requires a majority vote per M.G.L. c.4 §5b

THE FINANCE COMMITTEE RECOMMENDATION: *Favorable Action (7-0-0)*

This is a standard article that moves unused funds from the previous year into the stabilization fund in order to increase the voter threshold required to transfer funds.

THE BOARD OF SELECTMEN RECOMMENDATION: *Favorable Action (4-0-0)*

The motion was seconded

Moderator declares a Simple majority vote, motion carries, Yes-122, No-6

ARTICLE 4: FY 2019 SNOW AND ICE DEFICIT

To see if the Town will vote to transfer from the Town Stabilization Fund a sum of money to balance the snow and ice account for 2019 deficits incurred pursuant to M.G.L. c. 44 §31 D, or take any other action related thereto.

SPONSOR: DPW Director

COMMENTARY: *The estimated FY2019 overrun for snow and ice is \$130,000. The overrun will accommodate projections for labor, salt purchase to replenish supplies and monies for repairs and maintenance of equipment and grounds. This is an estimated number and the amount may be substituted on the floor should it need to be changed.*

MOTION: *Move that the Town vote to appropriate the sum of \$137,823.05 to apply to deficits incurred in the FY 2019 snow/ice budge, and to meet said appropriation, transfer the sum of \$137,823.05 from the Stabilization Fund.*

	Funding Source	Available Appropriation	Use of Funding	New Appropriation Amount
1	Stabilization	\$130,000	423-DPW Snow & Ice	\$137,823.05
	Total Reallocated Appropriations			\$137,823.05

Vote required for passage: a transfer from the stabilization fund requires a 2/3rds vote per M.G.L. c.4 §5b

THE FINANCE COMMITTEE RECOMMENDATION: Favorable Action (6-1-0)

This amount is to cover the overage from the snow and ice account for winter plowing and road treatments. Over the years, the Finance Committee has supported an increase to the Snow and Ice budget line to better reflect the historical expenditures.

THE BOARD OF SELECTMEN RECOMMENDATION: Favorable Action (4-0-0)

The motion was seconded

Moderator declares a 2/3rds majority vote, motion carries, Yes-127, No-12

Motion to take Article 14 out of order

The motion was seconded

Moderator declares the motion fails, Yes-61, No-75

ARTICLE 5: CAPITAL PURCHASES

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

SPONSOR: Town Manager

COMMENTARY: *The source of funding for all of the capital purchases will be Free Cash. All votes will be contingent on the certification of Free Cash by the Mass Department of Revenue prior to June 30, 2019. The projects listed below in Table 1 are recommended by the Capital Committee and accepted by the Town Manager for inclusion on the warrant for the FY2020 Spring Annual Town Meeting.*

The projects listed below in Table 2 are recommended by the Director of Public Works and the Fire Chief and accepted by the Town Manager.

A1: *The DPW is working with MassDEP to address concerns regarding the historical storage of materials at the DPW facility located at 145 Hecla Street. Initial discussions with MassDEP have been related to Administrative Consent Order (ACO) negotiations. The DPW and our engineers are evaluating the data collected from work performed during the fall/winter 2017-2018 to determine a conceptual 7-year schedule for proposed work to remove the material. This request includes funding to complete the year 1 activities which include: Preparation of a Notice of Intent (NOI) (if required), purchase of a screener to allow the Town to segregate the 14,000 cubic yards of catch basin screening and street sweeping material located at the DPW yard; survey of a portion of the Hazel Street landfill to evaluate if there is room to accommodate a portion of the material; Preparation of a Beneficial Use Determination to allow for the material to be reused at an unlined landfill, Preparation of an annual compliance letter to the MassDEP; and engineering support.*

A2: *The Fire Department will need to replace an ambulance every three years. This transfer will allow them to be able to meet the standards.*

MOTION: *Move that the Town vote to appropriate the sum of \$599,500 in the amounts stated in the Tables below in the Spring Annual Town Meeting warrant, and to meet said appropriation transfer the sum of \$ 599,500 from the Stabilization Fund, each item being considered a separate appropriation to be carried until said appropriation is moved via town meeting action or exhausted.*

Table 1

Capital Project	Details	Amount
School – sidewalk renovation		\$20,000
School – Taft doors/Interior	allocation for this year and continuing over a period of five years until project is complete 2024 and if the money is available each	\$35,000

	year following	
School – Whitin doors/interior	allocation for this year and continuing over a period of five years until project is complete 2024 and if the money is available each year following	\$31,000
Senior Center – Parking Lot	based on DPW estimates. This is in addition to the \$25,000 state appropriation the Senior Center applied for and secured.	\$75,000
Police	Access Controls (1-year cost)	\$12,000
Fire	Cardiac Unit	\$61,500
TOTAL		\$234,500

Table 2

Capital Project	Details	Amount
DPW – Mass DEP Consent Order Compliance	See description Table 2, A1	\$75,000
Fire – Ambulance Replacement	See description Table 2, A2	\$290,000
TOTAL		\$365,000

Vote required for passage: simple majority

THE FINANCE COMMITTEE RECOMMENDATION:

Recommend favorable action on:

- *School sidewalk renovation (6-1-0)*
- *Taft School Doors (7-0-0)*
- *Whitin School Doors (7-0-0)*
- *Police Access Control (7-0-0)*
- *Fire Cardiac Unit (7-0-0)*
- *Fire Ambulance (7-0-0)*
- *DPW Mass DEP Consent Order (5-1-0): Motion to reduce the \$75,000 allocation by \$27,284.*

The committee voted to reduce the appropriation by \$27,284 in order to achieve a total Article 14 appropriation of \$400,000. Committee members believe that the mitigation of the soil can be accomplished at a much lower cost. The committee would like the DPW to present other possible options for mitigation of the mixed material and consider the rental of a material screener in place of a capital purchase.

No Recommendation:

- *Senior Center Parking lot (3-3-0)*

THE BOARD OF SELECTMEN RECOMMENDATION: *Favorable Action to appropriate \$599,500 (4-0-0)*

Each table will be voted separately.

The motion to accept Table 1 was seconded

Moderator declares a 2/3rds majority vote, motion carries, Yes-112, No-34

Motion to amend Table 2, by reducing the DPW – Mass DEP Consent Order Compliance by \$27,284

The motion was seconded

Moderator declares a simple majority vote, motion carries, Yes-90, No-57

The motion to accept Table 2 with a revised total of \$337, 716 was seconded

Moderator declares a 2/3rds majority vote, motion carries, Yes-120, No-27

ARTICLE 6: REVOLVING FUND WARRANT ARTICLE

A. To see if the Town will vote to establish a revolving account pursuant to M.G.L. c. 44 §53E 1/2 for the imposition of reasonable fees for the employment of outside consultants and for depositing such fees into a special account by the Building Department, or take any other action relative thereto. The maximum amount of money that may be expended from the account is limited to \$50,000 per year.

A	B	C	D	E	F	G
Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/Reports	Fiscal Years
Permit Review	Building Department	Charges over and above permit fee for complex projects	Contractual services for plan review and code compliance			Fiscal Year 2020 and forward

SPONSOR: Building Inspector

COMMENTARY: *This article proposes the establishment of a revolving account for consulting fees for the Building Department. Fees would be paid by applicants and requested only for complex and larger projects requiring additional review by a consultant.*

MOTION: *Move that the Town amend the General Bylaws Chapter 2, "Department Revolving Funds", to include a new Authorized Revolving Account entitled Building Department Consulting Fees with a maximum expenditure amount of \$50,000.*

Vote required for passage: requires a 2/3rds vote

THE FINANCE COMMITTEE RECOMMENDATION: N/A
THE BOARD OF SELECTMEN RECOMMENDATION: N/A

No Motion
No Action

B. To see if the Town will vote to establish a Solid Waste and Recycling revolving account pursuant to M.G.L. c. 44 § 53E ½ for a future municipal solid waste and recycling program, or take any other action relative thereto. The account will be credited solid waste and recycling fees collected by residents who opt-in to the voluntary program and the Board of Health will be authorized to spend from the account in an amount not to exceed \$1,000,000 per year for expenses, supplies and contracted services related only to the program.

A	B	C	D	E	F	G
Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/Reports	Fiscal Years

Solid Waste and Recycling	Board of Health	Solid waste and recycling fees	Expenses, supplies and contracted services related only to the program			Fiscal Year 2020 forward
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SPONSOR: Board of Health

COMMENTARY: *This article creates a revolving account for a future, voluntary municipal trash and recycling program. The program will be self-funded and expenditures are not to exceed collected revenues from residents who opt-in to the program.*

MOTION: *Move that the Town amend the General Bylaws Chapter 2, "Department Revolving Funds", to include a new Authorized Revolving Account entitled Solid Waste and Recycling with a maximum expenditure amount of \$1,000,000.*

Vote required for passage: requires a 2/3rds vote

THE FINANCE COMMITTEE RECOMMENDATION: N/A

THE BOARD OF SELECTMEN RECOMMENDATION: N/A

No Motion

No Action

ARTICLE 7: ESTABLISHMENT OF AMBULANCE RECEIPTS RESERVED FOR APPROPRIATION ACCOUNT

To see if the Town will, pursuant to the authority in M.G.L. Chapter 40, Section 5F, establish a separate fund for the receipt of a portion (\$125,000) of fees or charges paid by persons transported by town ambulances and to expend the funds in such account for the purchase, of such ambulances, or take any action in relation thereto.

SPONSOR: Fire Chief

COMMENTARY: *If approved, a separate account will be established for the purpose of purchasing, of ambulances. As a result, a portion (\$125,000) of the ambulance fees (set aside in the Ambulance Receipts Reserved for Appropriation Account) will be allocated to this account annually.*

MOTION: *Move that the Town, pursuant to the authority in M.G.L. Chapter 40, Section 5F, establish a separate fund for the receipt of a portion (\$125,000) of annual fees or charges paid by or on behalf of persons transported by town ambulances for the purchase of such ambulances.*

Vote required for passage: requires a majority vote

THE FINANCE COMMITTEE RECOMMENDATION: *Favorable Action (7-0-0)*

THE BOARD OF SELECTMEN RECOMMENDATION: *Favorable Action (4-0-0)*

The motion was seconded

Moderator declares a Simple majority vote, motion carries, Yes-131, No-10

ARTICLE 8: TOWN BUDGET

To see if the Town will vote to fix compensation of all officials of the Town, provide for a reserve fund, determine sums to be raised and appropriated, including those from available funds, in order to defray expenses including debt and interest for Fiscal Year 2020 (FY20) – approve the budget, or take any other actions related thereto.

SPONSOR: Town Manager

COMMENTARY: *Please see the revenue and expenditure details in the FY 2020 Budget document on the tables below. Expanded budget broken down by salaries and expense are listed for reference in the budget book. Budgeted FY 2020 salaries and expenses total \$44,429,930 a decrease of \$900,142 or 1.99% from FY 2019.*

MOTION: Move that the Town appropriate \$44,429,930, as set forth in individual budget appropriations listed under the column “FY20 TOWN MANAGER BUDGET”, as described in the Revised Spring Annual Town Meeting warrant report, and to meet said appropriation raise \$44,090,442 and transfer \$279,880 of which:

\$79,313 shall come from the Wastewater Enterprise Fund to fund;

- Dept. 145 – Treasurer/Collector (\$67,364),
- Dept. 911 – Pensions (\$6,678),
- Dept. 914 – Health Insurance (\$4,293),
- Dept. 916 – Medicare (\$978).

\$77,846 shall come from the Water Enterprise Fund to fund;

- Dept. 145 – Treasurer/Collector (\$66,047),
- Dept. 911 – Pensions (\$6,546),
- Dept. 914 – Health Insurance (\$4,295),
- Dept. 916 – Medicare (\$958).

\$2,721 shall come from the Cable Access Enterprise Fund to fund;

- Dept. 145 – Treasurer/Collector (\$2,384),
- Dept. 911 – Pensions (\$265),
- Dept. 914 – Health Insurance (\$47),
- Dept. 916 – Medicare (\$25).

\$120,000 shall come from the Overlay Surplus Account to fund;

- Dept. 123 – Town Manager

each item considered a separate appropriation

	FY19 ATM BUDGET	FY20 TOWN MANAGER BUDGET	DOLLAR CHANGE	%Change TOWN MANAGER
EXPENSES				
OPERATING PROGRAMS				
General Government	1,581,854	2,167,435	585,581	37.02%
Public Safety	3,941,590	4,131,906	190,316	4.83%
Education	24,095,036	24,836,017	740,981	3.08%
Public Works	1,600,343	1,687,754	87,411	5.46%
Human Services	567,622	608,476	40,854	7.20%
Library & Recreation	408,634	420,807	12,173	2.98%
Member Benefits & Insurance	8,324,812	7,992,366	(332,446)	-3.99%
	FY19 ATM BUDGET	FY20 TOWN MANAGER BUDGET	DOLLAR CHANGE	%Change TOWN MANAGER
Debt Service	4,810,181	2,585,169	(2,225,012)	-46.26%
TOTAL OPERATING	45,330,072	44,429,930	(900,142)	-1.99%
Wastewater Enterprise	2,418,179	3,831,889	1,413,710	58.46%
Water Enterprise	2,192,839	2,418,904	226,065	10.31%

Cable Access Enterprise	217,460	173,436	(44,024)	-20.24%
GENERAL GOVERNMENT				
122 - Board of Selectmen	24,552	26,733	2,181	8.88%
123 - Town Manager	249,615	433,881	184,266	73.82%
130 – Finance	620,777	0	(620,777)	-100.00%
131 - Finance Committee	780	780	0	0.00%
132 - Reserve Fund	55,000	55,000	0	0.00%
135 - Accounting	0	205,282	205,282	100.00%
141 - Assessors	0	143,429	143,429	100.00%
145 - Treasurer/Collector	0	331,515	331,515	100.00%
151 - Legal Services	100,000	100,000	0	0.00%
155 - Technology	125,000	177,500	52,500	42.00%
161 - Town Clerk	158,407	156,215	(2,192)	-1.38%
170 - Land Use	76,548	73,398	(3,150)	-4.12%
171 - Conservation Comm.	47,164	47,675	511	1.08%
179 - Economic Development	0	155,500	155,500	100.00%
192 - Town Hall/Town Buildings	123,161	259,677	136,516	110.84%
196 - Town Common	850	850	0	0.00%
Total Gen. Gov't	1,581,854	2,167,435	585,581	37.02%
PUBLIC SAFETY				
210 - Police	2,290,210	2,409,905	119,695	5.23%
220 - Fire/EMS	1,446,377	1,509,518	63,141	4.37%
240 - Inspectional Services	157,015	163,350	6,335	4.03%
292 - Regional Animal Control	47,988	49,133	1,145	2.39%
Total Public Safety	3,941,590	4,131,906	190,316	4.83%
	FY19 ATM BUDGET	FY20 TOWN MANAGER BUDGET	DOLLAR CHANGE	%Change TOWN MANAGER
SCHOOLS				
Local School District				
Uxbridge Public Schools	20,559,753	20,988,784	429,031	2.09%
Student Transportation	1,385,350	1,529,595	144,245	10.41%
Total - School Operating Budget	21,945,103	22,518,379	573,276	2.61%
Regional Schools				
Blackstone Valley Technical	1,674,933	1,783,971	109,038	6.51%

Norfolk Agricultural	430,000	517,707	87,707	20.40%
Tri-County Regional Vocational	45,000	15,960	(29,040)	-64.53%
Total - Regional Schools	2,149,933	2,317,638	167,705	7.80%
PUBLIC WORKS				
421 - DPW Administration & Engineering	112,547	120,259	7,712	6.85%
422 - Highway	776,054	814,541	38,487	4.96%
423 - Snow and Ice	400,000	405,000	5,000	1.25%
425 - Vehicle Maintenance	273,942	275,154	1,212	0.44%
430 - Street Lights	37,800	72,800	35,000	92.59%
Total DPW	1,600,343	1,687,754	87,411	5.46%
HUMAN SERVICES				
510 - Board of Health	120,984	122,030	1,046	0.86%
541 - Council on Aging	202,555	221,415	18,860	9.31%
543 - Veterans Services	244,083	265,031	20,948	8.58%
Total Human Services	567,622	608,476	40,854	7.20%
LIBRARY & RECREATION				
610 - Library	396,554	408,727	12,173	3.07%
630 - Recreation	6,300	6,300	0	0.00%
691 - Historical Commission	5,780	5,780	0	0.00%
Total Library & Rec.	408,634	420,807	12,173	2.98%
	FY19 ATM BUDGET	FY20 TOWN MANAGER BUDGET	DOLLAR CHANGE	%Change TOWN MANAGER
TOWN & SCHOOL SHARED COSTS				
EMPLOYEE BENEFITS				
916 - Medicare	320,000	328,693	8,693	2.72%
913 - Employee Sick/Leave Buyback	35,216	36,272	1,056	3.00%
914 - Employee & Retiree Health Insurance	5,496,179	5,437,134	(59,045)	-1.07%
911 - Contributory Pensions	1,814,014	1,771,609	(42,405)	-2.34%
915 - Transfer to OPEB Trust		80,000	80,000	100.00%
912 - Workers Compensation	220,000	107,343	(112,657)	-51.21%
Total Employee Benefits	7,885,409	7,761,052	(124,357)	-1.58%
OTHER SHARED COSTS				
945 - Fire, Liability, Insurance	356,160	231,314	(124,846)	-35.05%

990 - Transfers Out	83,243	0	(83,243)	-100.00%
Total Liabilities & Insurance	439,403	231,314	(208,089)	-47.36%
DEBT SERVICE TOWN & SCHOOL				
710 – Principal Payments	3,106,678	1,649,800	(1,456,878)	-46.90%
751 – Interest on Bonded Debt	1,436,003	915,369	(520,634)	-36.26%
752 - Temporary Interest	0	10,000	10,000	100.00%
753 – Bond Expenses	267,500	10,000	(257,500)	-96.26%
Total Debt	4,810,181	2,585,169	(2,225,012)	-46.26%
Tot. Town/Sch Shared Costs	13,134,993	10,577,526	(2,557,467)	-19.47%

Vote required for passage: requires a simple majority vote provided none of the funds are coming from or going to the stabilization fund. A transfer to or from the stabilization fund requires a 2/3rds vote per M.G.L c.44 §33b

THE FINANCE COMMITTEE RECOMMENDATION:

- Motion: Reduce Dept 123, line 5112 by \$24,383 Town Manager, Administrative Salaries (4-2-0)*
- Motion: Reduce Dept 179, line 5350 by \$70,000 Economic Development, Programming & Entertainment (5-1-0)*
- Motion: Reduce Dept 192, line 5240 by \$50,000 Town Buildings, Building Repairs & Maintenance (5-1-0)*
- Motion: Reduce Dept 192, line 5290 by \$50,000 Town Buildings, Property Related Services (6-0-0)*
- Motion: Reduce Dept 210, line 5118 by \$23,333 Police, Other Regular Salaries (5-1-0)*
- Motion: Reduce Dept 430, line 5210 by \$35,000 Street Lighting, Electricity (5-1-0)*
- Motion: Recommend a FY2020 budget reduction of \$252,716, resulting in a total budget of \$44,177,214 (6-0-0)*

THE BOARD OF SELECTMEN RECOMMENDATION: *Favorable Action*

Votes for the Budget will be taken by category.

The main motion was seconded

The Finance Committee made a motion to amend the main motion by reducing individual line items as shown in the table below. Each will be taken as a separate vote.

Operating Budget	Adjustment
#123 Town Manager [5112: Administration Salary]	\$24,383
#123 Economic Development [5350: Programming and Entertainment]	\$70,000
#192 Town Building [5240: Building Repairs & Maintenance]	\$50,000
#192 Town Building [5290: Property Related Services]	\$50,000
#210 Police Budget [5118: Other Regular Salaries]	\$23,333
#430 Street Lights [5210: Electricity]	\$35,000
Total Town Budget Reduction	\$252,716

Motion to Amend #123 Town Manager [5112: Administration Salary]

The motion was seconded

Moderator declares the motion fails, Yes-55, No-77

#123 Economic Development [5350: Programming and Entertainment]

The motion was seconded

Moderator declares a Simple majority vote, motion carries, Yes-67, No-48

#192 Town Building [5240: Building Repairs & Maintenance]
The motion was seconded
Moderator declares a Simple majority vote, motion carries, Yes-64, No-53

#192 Town Building [5290: Property Related Services]
The motion was seconded
Moderator declares a Simple majority vote, motion carries, Yes-70, No-35

The motion was seconded
Motion to accept General Government budget as amended
Moderator declares a Simple majority vote, motion carries, Yes-89, No-24

Public Safety
Motion to reduce the Public Safety line by \$-23,333
#210 Police Budget [5118: Other Regular Salaries]
The motion was seconded
Moderator declares the motion fails, Yes-53, No-59

Public Safety
Motion to accept Public Safety budget
The motion was seconded
Moderator declares a Simple majority vote, motion carries, Yes-92, No-16

Education-Local School District
Motion to accept Local School District budget of
The motion was seconded
Moderator declares a Simple majority vote, motion carries, Yes-97, No-18

Education-Regional School Districts
Motion to accept Local School District budget of
The motion was seconded
Moderator declares a Simple majority vote, motion carries, Yes-91, No-24

Public Works
Motion to reduce the Public Works budget by \$35,000
#430 Street Lights [5210: Electricity]
The motion was seconded
Moderator declares a Simple majority vote, motion carries, Yes-51, No-57

Public Works
Motion to accept the Public Works budget of
The motion was seconded
Moderator declares a Simple majority vote, motion carries, Yes-90, No-17

Human Services
Motion to accept the Public Human Services budget of
The motion was seconded
Moderator declares a Simple majority vote, motion carries, Yes-102, No-7

Library & Recreation

Motion to accept the Library & Recreation budget of

The motion was seconded

Moderator declares a Simple majority vote, motion carries, Yes-104, No-3

Employee Benefits

Motion to accept the Employee Benefits budget of

The motion was seconded

Moderator declares a Simple majority vote, motion carries, Yes-92, No-14

Liabilities and Insurance

Motion to accept the Liabilities and Insurance budget of

The motion was seconded

Moderator declares a Simple majority vote, motion carries, Yes-101, No-5

Debt Service

Motion to accept the Debt Service budget of

The motion was seconded

Moderator declares a Simple majority vote, motion carries, Yes-102, No-4

ARTICLE 9: WASTEWATER ENTERPRISE FUND BUDGET

To see if the Town will vote to raise and appropriate, and/or transfer from available funds, or otherwise provide a sum or sums of money for the salaries, expenses and debt service of the Wastewater Enterprise Fund for the Fiscal Year beginning July 1, 2019, such sums of money to be offset by revenues of the Wastewater Enterprise Fund received during Fiscal Year 2020, or take any other action relating thereto.

SPONSOR: DPW Director

COMMENTARY: *The Wastewater Enterprise Fund is based upon the collection of sewer revenue and is entirely self-supporting. Certain indirect costs are paid from the general fund, and reimbursed by a charge against wastewater departmental revenue. The FY2020 Wastewater Enterprise budget shows an increase \$1,416,725 over FY2019.*

MOTION: *Move that the Town appropriate the sum of \$3,831,889 from Wastewater Enterprise Fund revenue for the purposes and in the amounts specified, and further that \$72,271.00 be raised from Wastewater Enterprise Fund revenue to fund indirect costs associated with the Wastewater Enterprise Fund appropriated in the General Fund in Article 8.*

	FY19 ATM BUDGET	FY20 TOWN MANAGER	DOLLAR CHANGE	%Change TOWN MANAGER
Salaries	533,482	584,722	51,240	9.60%
Expenses	1,884,697	1,497,384	(387,313)	-20.55%
Debt	0	1,752,798	1,752,798	100%
Sewer Enterprise Total	2,418,179	3,834,904	1,416,725	58.59%

Vote required for passage: simple majority

THE FINANCE COMMITTEE RECOMMENDATION: *Favorable Action (6-0-0)*

THE BOARD OF SELECTMEN RECOMMENDATION: *Favorable Action (4-0-0)*

The motion was seconded

Moderator declares a Simple majority vote, motion carries, Yes-85, No-9

ARTICLE 10: WATER ENTERPRISE FUND BUDGET

To see if the Town will vote to raise and appropriate, and/or transfer from available funds, or otherwise provide a sum or sums of money for the salaries, expenses and debt service of the Water Enterprise Fund for the Fiscal Year beginning July 1, 2019, such sums of money to be offset by revenues of the Water Enterprise Fund received during Fiscal Year 2020, or take any other action relating thereto.

SPONSOR: DPW Director

COMMENTARY: *The Water Enterprise Fund is based upon the collection of Water revenue and is entirely self-supporting. Certain indirect costs are paid from the general fund and reimbursed by a charge against water departmental revenue. The FY2020 Water Enterprise budget shows an increase \$229,080 over FY2019.*

MOTION: *Move that the Town appropriate the sum of \$ 2,421,919 from Water Enterprise Fund revenue for the purposes and in the amounts specified, and further that \$77,846 be raised from Water Enterprise Fund revenue to fund indirect costs associated with the Water Enterprise Fund appropriated in the General Fund in Article 8.*

	FY19 ATM BUDGET	FY20 TOWN MANAGER	DOLLAR CHANGE	%Change TOWN MANAGER
Salaries	489,752	506,373	16,621	3.39%
Expenses	1,703,087	1,082,559	(620,528)	-36.44%
Debt	0	832,987	832,987	100%
Water Enterprise Total	2,192,839	2,421,919	229,080	10.45%

Vote required for passage: simple majority

THE FINANCE COMMITTEE RECOMMENDATION: *Favorable Action (6-0-0)*

THE BOARD OF SELECTMEN RECOMMENDATION: *Favorable Action (4-0-0)*

The motion was seconded

Moderator declares a Simple majority vote, motion carries, Yes-85, No-8

ARTICLE 11: CABLE PEG ACCESS TELEVISION ENTERPRISE FUND BUDGET

To see if the Town will vote to raise and appropriate, and/or transfer from available funds, or otherwise provide a sum or sums of money for the salaries, expenses and debt service of the Cable PEG Access Enterprise Fund for the Fiscal Year beginning July 1, 2019, such sums of money to be offset by revenues of the Cable PEG Access Enterprise Fund received during Fiscal Year 2020, or take any other action relating thereto the Cable PEG Access Enterprise Fund, or take any other action relating thereto.

SPONSOR: Town Manager

COMMENTARY: *The Community Access Television budget is funded by charges unrelated to the tax levy. Benefit charges for departmental employees are paid from the general fund and reimbursed by a charge against departmental revenue. The FY2020 Cable PEG access operating budget shows a decrease of \$36,708 over FY2019.*

MOTION: *Move that the Town appropriate the sum of \$180,752 from Cable PEG Access Enterprise Fund revenue for the purposes and in the amounts specified, and further that \$2,721 be raised from Cable PEG Access Enterprise Fund revenue to fund indirect costs associated with the Cable PEG Access Fund appropriated in the General Fund in Article 8.*

	FY19 ATM BUDGET	FY20 TOWN MANAGER	DOLLAR CHANGE	%Change TOWN MANAGER
Salaries	113,260	117,526	4,266	3.77%
Expenses	104,200	63,226	(40,974)	-39.32%
Cable Access Enterprise Total	217,460	180,752	(36,708)	-16.88%

Vote required for passage: simple majority

THE FINANCE COMMITTEE RECOMMENDATION: *Favorable Action (6-0-0)*
THE BOARD OF SELECTMEN RECOMMENDATION: *Favorable Action (4-0-0)*

The motion was seconded
Moderator declares a Simple majority vote, motion carries, Yes-87, No-11

ARTICLE 14: CARE AND CONDITION OF TOWN ROADS

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

SPONSOR: DPW Director

COMMENTARY:

MOTION: *Move that the Town vote to raise and appropriate \$400,000 for the purpose of care and conditioning of Town roads.*

Vote required for passage: simple majority

THE FINANCE COMMITTEE RECOMMENDATION: *Motion: Appropriate \$400,000 for the care and conditioning of Town roads and to fund said appropriation, transfer \$147,284 from stabilization and raise \$252,716. (6-0-0)*

THE BOARD OF SELECTMEN RECOMMENDATION: *Recommendation will be made at meeting*


The motion was seconded
Moderator declares a Simple majority vote, motion carries, Yes-94, No-11

All Articles having been acted upon a motion was made to dissolve the meeting.

The motion was seconded
Moderator declares a Unanimous vote, motion carries.

The Meeting dissolved at 10:12pm.

A true copy attest,


Kelly J. Cote, CMC
Uxbridge Town Clerk