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TOWN OF UXBRIDGE
21 S. MAIN STREET, UXBRIDGE, MA 01569 – 508-278-8600
BOARD OF SELECTMEN'S MEETING MINUTES
BOARD OF SELECTMEN'S MEETING ROOM
THURSDAY, APRIL 11, 2013 – 3:00PM

EMERGENCY MEETING PURSUANT TO CHAPTER 30A, SECTION 18

Present: Chair Jay Cahill, Vice Chair Bruce Desilets, Clerk Tim Rice and Selectman Peter Baghdasarian.
Also present: Town Manager Sean Hendricks, DPW Director/Gravel Pit Inspector Benn Sherman and Administrative Assistant Tracey Ante.

I. CALL TO ORDER

II. NEW BUSINESS

Potential Cease and Desist Order – 170 Hecla Street – potential earth removal operations – The Town Manager summarized the events over the past year. He informed the Board that over a year ago, he conversed with Mr. Vecchione about his desire to conduct agricultural operations at his 17.8 acre parcel on Hecla Street. At that time, Mr. Vecchione asserted an exemption from the Town's earth removal regulations, under MGL Chapter 40A, Section 3, (part of a normal operation of a farm or agricultural pursuit). The Town Manager concurred, given Mr. Vecchione's plans for the parcel. The exemption is one that can be asserted by a landowner.

Mr. Vecchione has been dealing with the Planning Board and Conservation Commission. Subdivision approval was granted by the Planning Board. As Mr. Vecchione continued to remove earth from the location, questions arose amongst the permitting authorities as to whether the earth removal being conducted pertained to the subdivision approval and/or was still related to protected/exempted agriculturally-oriented activity referenced in MGL and Uxbridge General Bylaws.

On April 4, at the request of the Town Manager, the Zoning Enforcement Officer issued a cease and desist of earth removal operations at the site. Operations were suspended. A meeting of all parties was convened on Monday, April 8. Issues were discussed and no agreement was made.

On Tuesday, April 9 the Town Manager contacted Town Counsel and advised the Board of the situation. Counsel advised that since MGL 40A refers to regulation from zoning bylaws, the Town should assert its authority to regulate earth removal operations under General Bylaw 181-1. As the enforcement authority, the Board of Selectmen has the responsibility to determine whether Mr. Vecchione must apply for a gravel removal permit for operations that are not covered under the Planning Board's subdivision approval and to determine whether any agricultural exemption was properly asserted. The Town Manager ended his summary of events. He is requesting the Board, as the enforcement authority of the earth removal bylaw, take up the matter.

The Board heard complaints from area residents, which included noise, excessive earth removal, traffic and operation of heavy equipment. Following discussion, the Board recessed at 3:45PM to conduct a site visit at the property.

Present at the site: Chair Jay Cahill, Vice Chair Bruce Desilets, Clerk Tim Rice and Selectman Peter Baghdasarian, Town Manager Sean Hendricks, DPW Director/Gravel Permit Inspector Benn Sherman and Mr. Vecchione.

The Board reconvened at 4:45PM. Following additional discussion, an inspection of the property and review of the by-laws, the Board did not find evidence that Mr. Vecchione was operating illegally as it pertains to the Board of Selectmen's governance over earth removal. The Board noted that other Town agencies that have other rules and regulations may need adherence at the site. The enforcement of those rules and regulations are the responsibility of those agencies. No votes or action was taken.

III. ADJOURNMENT

At 5:10PM, Mr. Cahill adjourned the meeting.

Minutes respectfully submitted by, Tracey Ante
Minutes approved by Board of Selectmen:



Chair Jay Cahill



Vice Chair Bruce Desilets



Clerk Tim Rice



Selectman Peter Baghdasarian

4/22/13

Date Approved