



# Town of Uxbridge, Massachusetts Finance Committee Meeting Minutes

Date: November 3, 2008

Place: Selectmen's Room

Present:

Ed Maharay	P	Howard Fortner	P	Peter DeMers	P
Christine Horwath	PL	Rick Young		Mark Andrews	P

Call to Order: 7:00 PM

1. Minutes

**None**

2. Public Hearing for Fall Annual Town Meeting

**MSDV**

Motion	Motion to reopen the FATM Finance Committee Public Hearing				
1st	MWA	2nd	HF	Vote	4-0

**Article 1**

Will highlight 2010 Budget and discuss financial polices.

**Article 25**

Many questions from board.

ZBA Chairman reminded committee this article focuses on accessory uses. Primary uses stay the same.

Q/C FTP:

What about companies with multiple uses?

Questions on terminology – Commercial use versus commercial space; “is allowed” versus “may be allowed”; What if temps versus employees, then can home business have multiple people in building?

**Article 27**

Rezoning parcel of land. The committee asked questions concerning why not zone for business versus Industrial – proponent believes that business may be consider spot zoning. Industrial zone presently across the street. Another question on what will be done with rest of property. At this point they have no plans.

Q/C FTP:

None

These minutes are a summary of the proceedings of the Uxbridge Finance Committee. All Meeting are taped and copies are available from the Town Clerks office or via the Cable Access Coordinator.

### **Article 28**

Discussion from the proponent. Design to allow access to land owned by the proponent and the Town. Plan to use Serendipity as an access point fell through. Previous TM agreed not to rezone this article.

Q/C FTP:

Comments made on wetlands, noise, lights, footpath – does not support.

Not antibusiness, put can there be a balance?

How will the conservation issue be addressed.

### **Article 29**

Discussion from the proponent. Believes by-law committee said not substantive changes would be made. Said old by-laws were a bill of rights versus new by-laws (you can do anything unless prohibited). Proponent also has issues with new definitions and areas of confusion like common driveways.

Q/C FTP:

None

### **Article 30**

Discussion from the proponent. Believes the Board of Selectmen should be responsible for zoning enforcement. They control legal matters and have access to Town Counsel. State law in this case is not mandatory. Past Town Meeting defeated similar efforts in the past.

Q/C FTP:

Reference to MGL Chapter 40A Section 7 – where it references the building inspector is responsible for zoning enforcement.

Does the building inspector have enough knowledge of zoning laws to enforce?

### **Article 34**

Discussion from the proponent. Showed a rendering of a business plaza. Could bring in \$40K of tax revenue. Parcels to be rezoned presently in accepted & deeded sub division. Countryside does need some clean-up that will be included in the project.

Q/C FTP:

Why include this in the present by-law. Why isn't this just a zoning change?

### **Article 37**

Discussion from the proponent. Provided handout. 4 possible locations comply with by-law. The Town can decide on a Pilot agreement or taxes.

Q/C FTP:

This is a second chance at a good deal – the Town should do it.

No pilot in place. Money will be used up in resources and infrastructure. Showed example of recent Bellingham TM warrant with article to provide monies to compensate for Pilot funding (the Town used money as recurring funds versus one time funds).

### **Addition Public Hearing input**

**Article 20 - Q/C FTP:**

There are electrical boxes in the middle of sidewalks in some of the development area. Why?

**Article 29 - Q/C FTP:**

Who was the petitioner?

Don't complain about the result if you choose not to be part of the process.

**MSDV**

Motion	Motion to continue the FATM Finance Committee Public Hearing until Thursday November 6, 2008				
1st	HF	2nd	CH	Vote	5-0

3. Old Business

None

4. New Business

Article 18 Discussion.

Committee member Andrews made a proposal to make a budget line transfer to COA from Health Insurance line. This was possible due to savings in health care account due to changes in Union contracts. The Finance Director explained that the Health Insurance budget is not done as the other budgets – but on actual user sign-ups and thus may or may not reflect changes. Thus he would not recommend this mechanism.

The Chairman attended the ATFC annual meeting. He thought the speakers were good and they all said to plan for decreasing funding from the state in the next fiscal year.

5. ADJOURNMENT

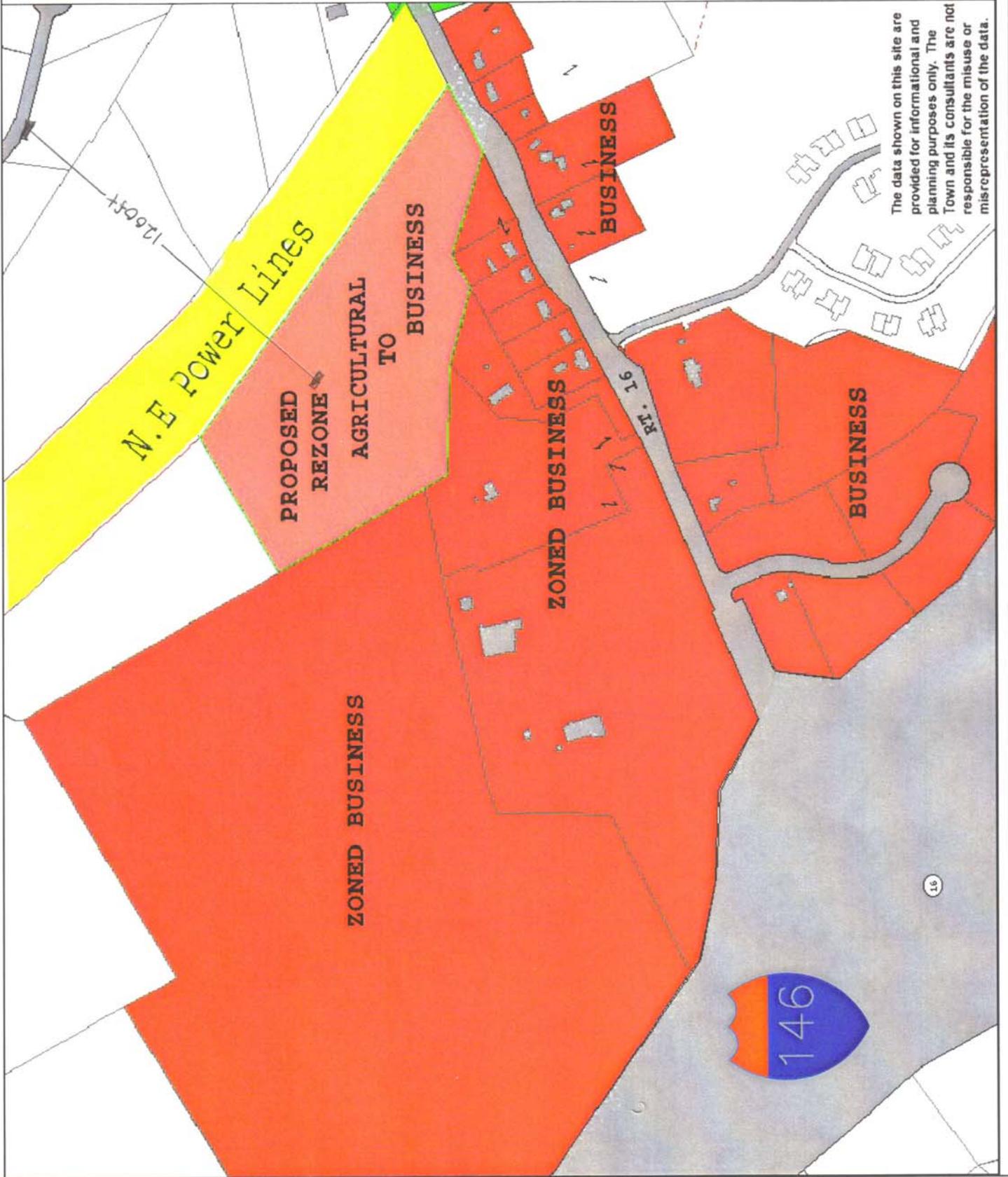
**MSDV**

Motion	Motion to continue the FATM Finance Committee Public Hearing until Thursday November 6, 2008				
1st	MWA	2nd	HF	Vote	5-0

**Minutes Accepted:**



- Town Line
- Abutting Towns
- Buildings
- Miscellaneous Lines
- Hooks
- ROW
- Pvt Rd ROW
- ROW
- Utility ROW
- Parcels
- Property Line
- Pvt Rd
- RR ROW
- Streams
- Road ROW
- Road ROW
- Zoning
- Agricultural
- Business
- Industrial
- Residential A
- Residential B
- Residential C



## The General Laws of Massachusetts

[Search the Laws](#)

## PART I. ADMINISTRATION OF THE GOVERNMENT

## TITLE VII. CITIES, TOWNS AND DISTRICTS

## CHAPTER 40A. ZONING

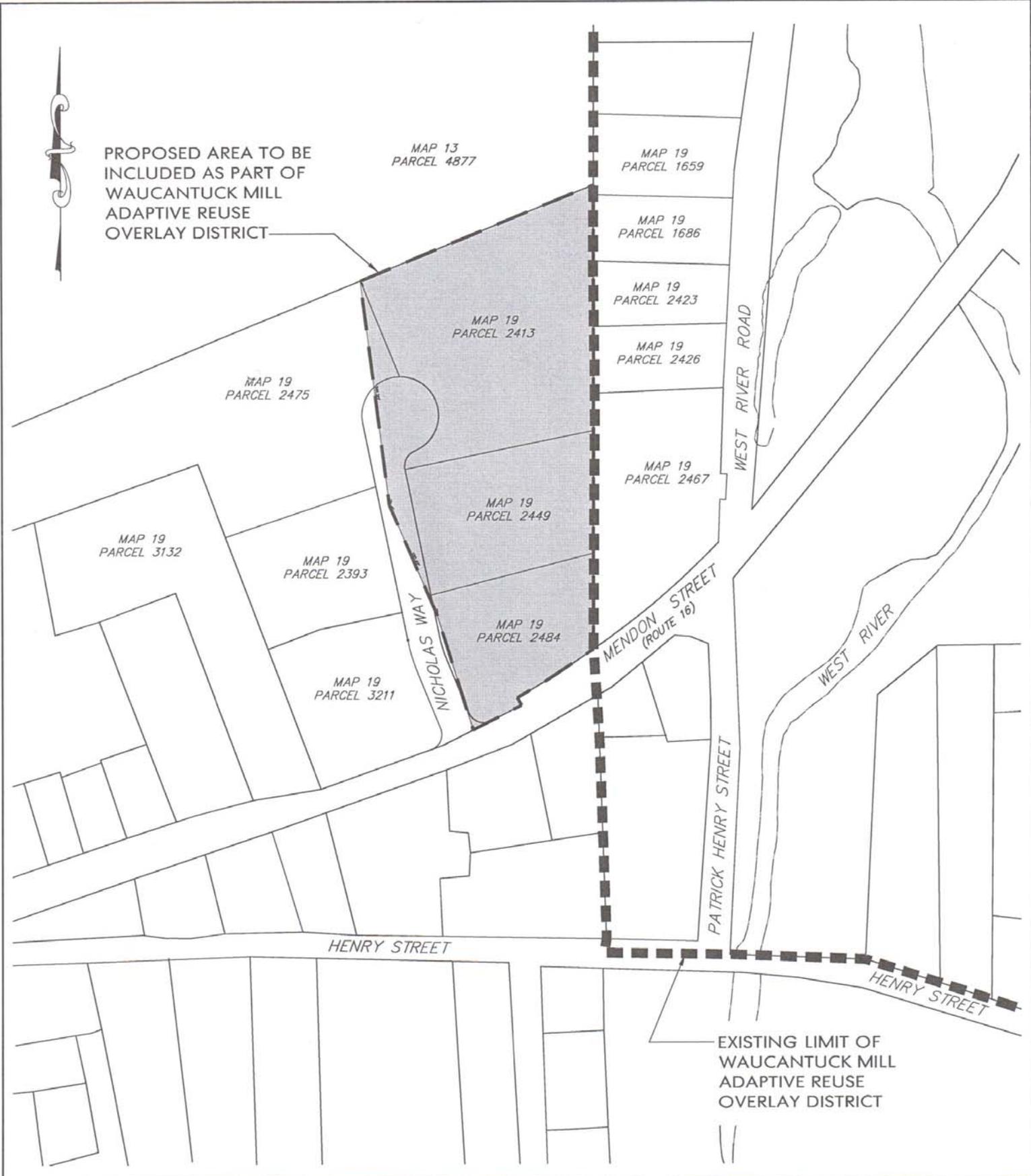
## Chapter 40A: Section 7. Enforcement of zoning regulations; violations; penalties; jurisdiction of superior court

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

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

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

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**PROPOSED ZONING  
INCLUSION PLAN**

ASSESSOR MAP 19: PARCELS 2413 & 2449, PORTION OF PARCELS  
2482 & 2475, AND A PORTION OF NICHOLAS WAY

**EXHIBIT PLAN**

JOB NO:  
2007-083

DRAWING:  
2007-083 BASE+REZONE

DRAWN BY:  
CMK

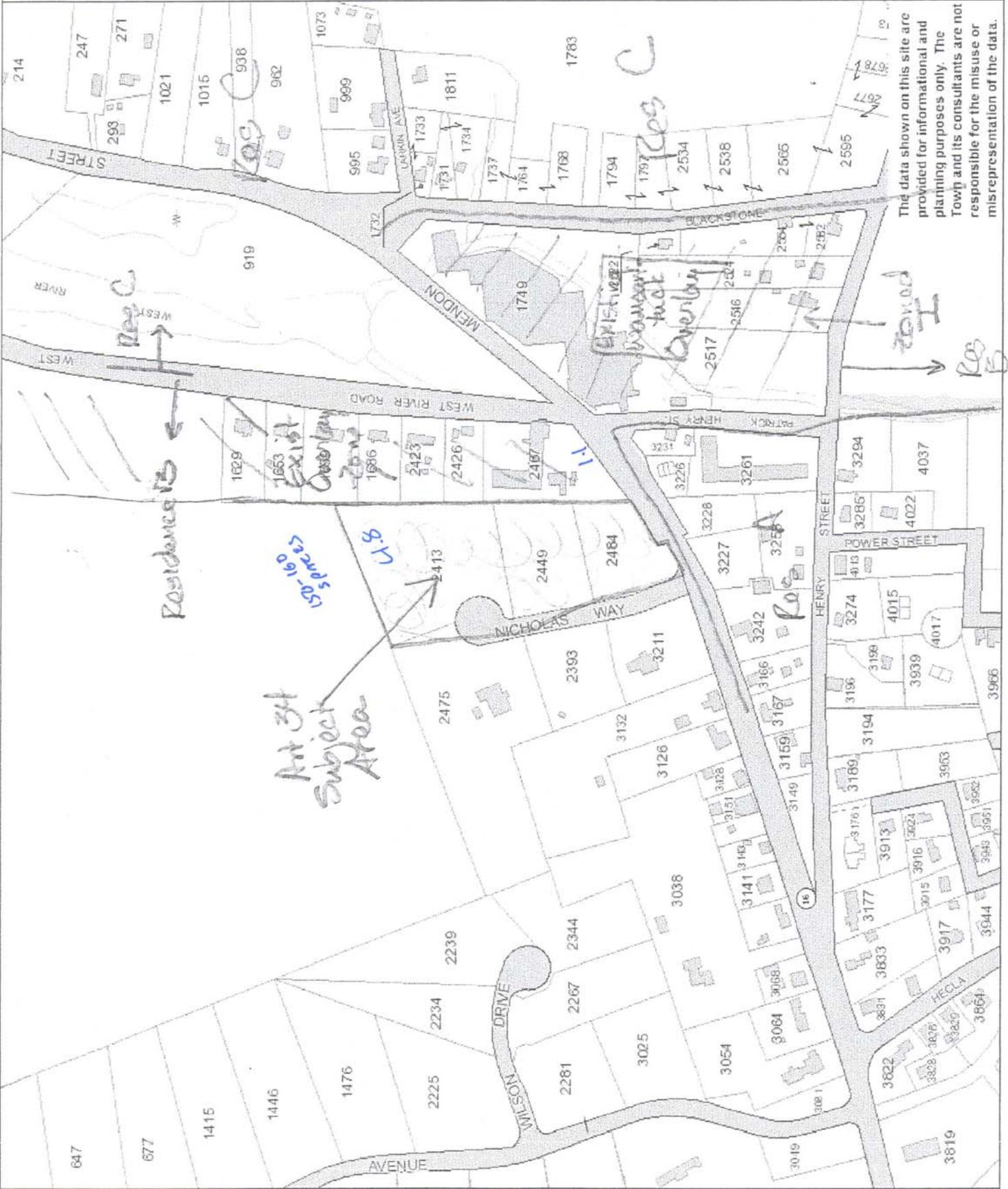
SCALE:  
1" = 200'

SHEET:  
1 OF 1



- Town Line
- Abutting Towns
- Buildings
- Rivers, Streams and Points
- Streams
- Open Water
- Miscellaneous Lines
- Hooks
- ROW
- Priv Rd ROW
- ROW
- Utility ROW
- Parcel
- Property Line
- Priv Rd
- RR ROW
- Streams
- Road ROW
- Road ROW

FATM  
Art 34



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# ed Retail Shops and Restaurant

Uxbridge, MA



# Propos

ART 39

Jerry Lemire

Article 37

## **Spring Town Meeting Proposal 2008:**

Article would have allowed:

- \*Power Plants up to 500 Megawatts.
- \*Only in the Industrial Zone on parcels of 15 Acres or more.

## **Fall Town Meeting Proposal 2008:**

Article would allow:

- \*For up to two Power Plants Town Wide.
- \*With a total production capacity of 500 Megawatts Town Wide
- \*No plant could exceed 350 Megawatts.
- \*Only in the Industrial Zone on parcels of 15 acres or more .
- \*Only would allow plants using natural gas, renewable and ultra low sulfur fuels, wind or solar energy.

## **Article 18 Recommendation**

The Finance Committee voted unfavorable action.

The Committee understands the importance of this article but did not support in on the basis of financial policy. Using one time funds to support ongoing operations will just cause a financial budget issue for the following year.

It is the suggestion of the Finance Committee that the following occur.

I move that a budget line transfer of \$4,619 be made from budget line 914700 Health Insurance to 541100 Council on Aging Salaries.

I move that a budget line transfer of \$3,510 be made from budget line 914700 Health Insurance to 541200 Council on Aging Expenses

Rational:

The recent changes in Union contracts will result in a \$75,000 savings in the Health Insurance line. Therefore, a \$8,129 budget line transfer would provide a minor fluctuation to the Health Insurance budget. This budget line transfer would fund the Senior Center operations for this fiscal year and establish a new Council on Aging funding base for the next fiscal year.