

Town of Uxbridge
Planning Board
21 So. Main St.
Uxbridge, MA 01569
(508) 278-8600, ext 2013

APR 15 '10 AM 10:29



Minutes of the Uxbridge Planning Board regular meeting held on **Wednesday, March 10, 2010**, at 7:00 P.M. in the Board of Selectmen's Room, Uxbridge Town Hall, 21 So. Main St., Uxbridge, MA:

Planning Board Members Present: Charles Lutton, Debbie Bernier, Barry Desruisseaux and Peter Petrillo

Planning Board Members Absent: Joseph Leonardo

Others Present: Donna C. Hardy, Planning Board Administrator

It being 7:00 pm, the meeting being properly posted, duly called and a quorum being present, Chairman Charles Lutton called the meeting to order and led the gathering in the Pledge of Allegiance.

MOTION by Mr. Desruisseaux to move the agenda item Meadow Valley Estates – Modification of Definitive Subdivision Plan out of order. Seconded by Ms. Bernier, the motion carried unanimously.

Meadow Valley Estates – Modification of a Definitive Subdivision Plan – The applicant/owner of record TTK Real Estate, LLC is seeking an Modification of a Definitive Subdivision Plan for Meadow Valley Estates, located off of Chocolog Road and is shown on the Town of Uxbridge Assessor's Map 43, Parcel 4323, Worcester County District Registry of Deeds Bk. 39477, Pg. 93 and Uxbridge Assessors Map 43, Parcel 3681, Worcester County District and Map 43 Parcel 3694 Registry of Deeds Book 37618, Page 184 and Registry of Deeds Book 39477, Page 94. Mr. Mark Anderson with Heritage Design Group was present and spoke on behalf of the applicant. Chairman Lutton provided information under the General Laws of Massachusetts, Part I. Administration of the Government, Title VII. Cities, Towns and Districts, Chapter 41. Officers and Employees of Cities, Towns and Districts, Subdivision Control, Chapter 41: Section 81W. Modification, amendment or rescission of approval of plan; conditions. Second paragraph: No modification, amendment or rescission of the approval of a plan of a subdivision or changes in such plan shall affect the lots in such subdivision which have been sold or mortgaged in good faith and for a valuable consideration subsequent to the approval of the plan, or any rights appurtenant thereto, without the consent of the owner of such lots, and of the holder of the mortgage or mortgages, if any, thereon; provided however, that nothing herein shall be deemed to prohibit such modification, amendment or rescission when there has been a sale to a single grantee of either the entire parcel of land shown on the subdivision plan or of all the lots not previously released by the planning board. Chairman Lutton expressed that if this is the case with this subject, then by law the Planning Board can not go forward with this plan. Mr. Anderson advised he did receive this information from the previous meeting. Mr. Anderson and his applicant are in disagreement and do not agree that the one (1) single lot that is sold (on the corner of the lot) is affected in a negative way. Chairman Lutton spoke w/ the Town Manager and feels that it does affect it. Chairman Lutton will bring the information to the Town of Uxbridge Town Counsel for further discussions. Mr. Anderson inquired if there was any further review with the subdivision from the DPW. Chairman Lutton advised he did not inquire the subject, due to the General

Law of Massachusetts information. The Planning Board will continue discussions at their next scheduled meeting on March 24, 2010.

CITIZEN PETITION: "TO REQUEST TO OPEN THE DIRT BIKE TRACK MOTOCROSS PARK

We, the undersigned registered voters of the Town of Uxbridge, Massachusetts, County of Norfolk, hereby request, pursuant to Massachusetts G.L. c. 39, Section 10, and Massachusetts G.L. c. 40, Section 5, that the Board of Selectmen of the Town of Uxbridge hold a Special Town Meeting and place the following proposed zoning bylaw amendment on the official Warrant for said special Town Meeting as prescribed by law.

Proposed Bylaw Amendment:

To see if the Town will vote to amend the Town of Uxbridge Zoning Bylaw as follows:

(1) Amend Article X, "Definitions", "Commercial Recreation, Outdoor", to read as follows:

Commercial Recreation, Outdoor: A drive-in theatre, country club, golf course, miniature golf course, driving range, bathing beach, sports club, horseback riding stable, boathouse, game preserve, marina, motocross facility, motorsports facility, or other commercial recreation carried on in whole or in part outdoors, conducted for-or not-for-profit, except for those activities more specifically designated in these Bylaws. Outdoor commercial recreation shall not include for-profit automobile racing tracks or facilities and all uses specifically prohibited hereunder.

(2) Add a new Definition, "Motocross Facility": an outdoor facility used for training activities and controlled competition events involving off-road motorcycles on a closed course. A Motocross Facility as defined hereunder is not to be considered a Racetrack under these Bylaws.

(3) Amend Appendix A, "Table of Use Regulations", as follows:

Under Outdoor Commercial Recreation, Industrial Zoning District ("I"), change "N" to "Y".

Chairman Lutton stated that in his opinion, that the title of the citizen petition to request to open the dirt bike track Motocross Park is not the true subject of this petition. The subject of the petition is to amend the Town of Uxbridge Zoning Bylaws, which if approved would allow the opening of a dirt bike track Motocross Park. This petition seeks to change the definition of Commercial Recreation Outdoor Activity by 1. Deleting motocross, motorsports, motor vehicle or similar tracks from the bylaw, while continuing to disallow for profit automobile racing tracks or facilities and 2. Adds activities and controlled competition events involving off road motor cycles on a closed course. A motocross facility as defined here under is not to be considered a racetrack under these bylaws. If this definition is changed then under our current use tables commercial recreation outdoor activities such as motocross activities will be allowed in all agricultural zones. The third portion of this amendment to the appendix A table of us regulations table will change outdoor commercial recreation industrial zoning district from N to Y, thus allowing motocross activities in any industrial area in town. Passage of the citizen petition would allow for the re-opening of the dirt bike track Motocross Park on the 8.7 acres of land where it previously was operating. In addition, passing of the citizen petition will allow for the opening of the new motocross park activities on the remaining agricultural and industrial lands in town. Due to the title of the petition, Chairman Lutton will allow individuals to discuss both the dirt bike track motocross park and zoning bylaws.

The Chairman opened the public hearing. Mr. Stephen Griffs, applicant was present. Mr. Griffs attorney David Simmons was absent. Mr. Griffs requested an additional time to wait for his attorney to be present for the Public Hearing. Chairman Lutton advised he would provide him an additional 10 minutes of time. **MOTION** by Ms. Bernier to place the Citizen Petition: "To Request to Open the Dirt Bike Track Motocross Park" on hold for ten minutes until the attorney is present or the Public Hearing will be closed. Seconded by Mr. Petrillo, the motion carried unanimously.

Proposed Life Science Bylaw – The Planning Board will be having discussions at their next scheduled meeting on Wednesday, March 24, 2010.

Chairman Lutton recused himself, due to conflict of interest. Ms. Bernier acted as Chair.

Request bond reduction for Arbor Road and Edgewater Estates – Mr. John Audet was present and requests a letter for the bond reduction to zero for Arbor Road, Connor Pass and Dunny Cove Lane. Discussion was tabled to be able to find the subdivision bonding information.

Chairman Lutton returned to the board.

CITIZEN PETITION: "TO REQUEST TO OPEN THE DIRT BIKE TRACK MOTOCROSS PARK"

Chairman Lutton opened the Public Hearing for the discussion on the Citizen Petition: "To Request to Open the Dirt Bike Track Motocross Park".

Attorney David Simmons presented himself to the Planning Board to discuss on behalf of his applicant the citizen petition for re-zoning. Attorney Simmons inquired if anyone on the board has any predispositions or conflicts of interest. Chairman Lutton restated the statement he made earlier concerning the Citizen Petition. Chairman Lutton inquired if the board had any comments. Chairman Lutton inquired if the public had any comments.

Discussion and areas of concern included the noise nuisance (including decibel range), dust, devalue of homes, types of bikes allowed on property and if it would be a deterrent to the Town of Uxbridge.

Following discussion and public input, **MOTION** by Mr. Petrillo to not recommend favorable action at the Special Town Meeting for the Citizen Petition to Request to Open the Dirt Bike Track Motocross Park. Seconded by Ms. Bernier, the motion carried 4-0.

Chairman Lutton recused himself, due to conflict of interest. Ms. Bernier acted as Chair.

Request bond reduction for Arbor Road and Edgewater Estates – Subdivision files found concerning both subjects. Mr. John Audet was present and requests a letter for the bond reduction to zero for Arbor Rd, Connor Pass and Dunny Cove Ln. **MOTION** by Mr. Petrillo to reduce bond to zero for Arbor Rd at Arbor Estates. Seconded by Mr. Desruisseaux, the motion carried 3-0. **MOTION** by Mr. Petrillo to reduce bond to zero for Connor Pass at Edgewater Estates. Seconded by Mr. Desruisseaux, the motion carried 3-0. **MOTION** by Mr. Petrillo to reduce bond to zero for Dunny Cove Ln at Edgewater Estates. Seconded by Mr. Desruisseaux, the motion carried 3-0. Mr. Audet requests that the effective date be the date it was recorded with the Worcester County Registry of Deeds.

Chairman Lutton returned to the board.

Cedar Woods I (Giacamo Way and Anthony's Way) – The Planning Board is waiting for input from the DPW and will continue discussions at their next scheduled meeting.

Davis Heights (Glen Street and Lee Street) – The Planning Board received a status update from the DPW. The DPW went to Lee Street to view the operation of a detention basin on site. The Planning Board will await a report from the DPW and will continue discussions at their next scheduled meeting.

2 Lot, subdivision off of High Street – (Map 24A) Mr. Stephen O'Connell with Andrews Survey & Engineering was present and spoke on behalf of his potential client David White. Mr. O'Connell provided an update on the project, including maps. Mr. O'Connell advised he tried to have access from Peter Street; however the street goes right into a ravine and then a catch basin and there is no access and is just not feasible for entry. The applicant seeks to have a lot divided into two (2) lots for single family homes at approximately ¼ acre each. Also, advised that the abutters at lot 2487 and lot 2484 would be given easements to the property. There is a possibility of a shared driveway. There is an existing right of way on the property extending to High Street. The proposed right of way is 40.8'. Mr. O'Connell will need to request a waiver for the property. Stormwater management would not be needed for this site. Mr. O'Connell requested feedback from the Planning Board concerning this project. The Planning Board understands the project and has no disagreements with the discussion.

MINUTES. MOTION by Mr. Desruisseaux to approve the Planning Board Meeting Minutes dated January 27, 2010. Seconded by Mr. Petrillo, the motion carried unanimously.


MINUTES. No motion made for the minutes for February 10th and February 24, 2010, Planning Board meetings cancelled due to inclement weather or lack of quorum.

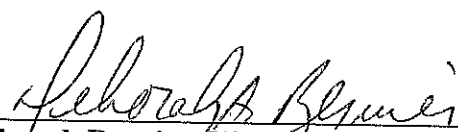
The Planning Board had discussions of the zoning bylaws and Mr. Desruisseaux suggested a few of the zoning bylaws concerning retreat lots may need to be updated.

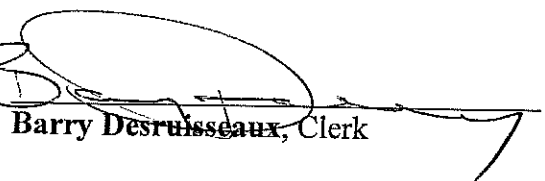
MOTION by Mr. Petrillo to adjourn the meeting at 8:54 P.M. Seconded by Mr. Desruisseaux, the motion carried unanimously.

The Board noted that Executive Session will not convene.

Respectfully Submitted by Donna C. Hardy, Planning Board Administrator


Charles, Lutton, Chairman


Deborah Bernier, Vice-Chair


Barry Desruisseaux, Clerk


Peter Petrillo, Member

Joseph Leonardo, Member

8/4/14/2010

Date