

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



JUN 10 10 AM 10:42

Minutes of the Uxbridge Planning Board regular meeting held on Wednesday, April 28, 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: Vice-Chair Debbie Bernier, Barry Desruisseaux, Peter Petrillo and Joseph Leonardo

Planning Board Members Absent: Chairman Charles Lutton

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, Vice-Chair Debbie Bernier called the meeting to order and led the gathering in the Pledge of Allegiance.

Adopt policy to charge applicant(s) fees for public hearing legal advertisement

Mr. Petrillo and Mr. Desruisseaux requested to look into this request to review the files. The members believe that the fee is already included in the application. Vice-Chair Bernier requests to table this discussion until the next scheduled meeting on Wednesday, May 12, 2010.

Request to update the Subdivision Rules & Regulations to include subdivision checklist requirements.

Vice-Chair Bernier requested Ms. Hardy to explain the details of this request. The subject at hand does not need to go to town meeting to be amended. The Planning Board members can adopt a policy to update the Subdivision Rules & Regulations to include a full subdivision checklist requirement. Request to add the following information under the Contents section of the submission requirements for all subdivision application requests:

- An original drawing of a stamped surveyor's Plot Plan of the property in question (11X17 or 24X36 sheets); each application requires at least *thirteen (13) prints will be provided to the following departments:
 - Town Clerk (original & copy of application is time stamped) (11x17)
 - Planning Board (main folder) (1 - 24x36 and 1 - 11x17) and members (5 - 11x17)
 - Board of Health* (11x17)
 - Department of Public Works (DPW) (1 - 24x36)
 - Engineering review company (1 - 24x36)
 - Building Department (11x17)
 - Conservation Commission* (11x17)
 - Fire Department (11x17)
 - Police Department (11x17)
 - Historical Commission* (11x17)

Note: Provide copy of plans to Conservation Commission if in wetlands resource area, Historical Commission if in the Historic District and Board of Health if septic system is required)

- Subdivision name, boundaries, north point, date and scale.
- Name and address of record owner, sub divider and engineer or surveyor.
- A valid (within 6 months) Certified Abutters List and the Certified Abutters labels from the Assessors' Office; two (2) sets of self-sealing envelopes corresponding to the Abutters List, plus one for each applicant, each property owner and each representative, if applicable; plus an additional fifteen (15) envelopes (due to required notifications to adjacent communities and various agencies; enough first class stamps for each recipient of each of the two required mailings (Public Hearing notice and Decision).
- Existing and proposed lines of streets, ways, lots, easements, and public or common areas within the subdivision (The proposed names of proposed streets shall be shown in pencil until they have been approved by the Board.).
- Sufficient data to determine the location, direction and length of every street and way line, lot line, boundary line, and to establish these lines on the ground.
- Location of all permanent monuments properly identified as to whether existing or proposed.

- Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision.
 - Suitable space to record the action of the Board and signatures of the members of the Board (or officially authorized persons).
 - Existing and proposed topography at a suitable contour interval as required by the Board.
 - Profiles on the exterior lines of proposed streets at a horizontal scale of one (1) inch equals forty (40) feet and vertical scale of one (1) inch equals for (4) feet, or such other scales acceptable to the Board. Reference point for elevations shall be shown.
 - Proposed layout of storm drainage, water supply and sewage disposal systems (drainage report).
 - Application fees (non-refundable)
 - ANR Plans (81Ps): \$100.00 plus \$20.00 for anything over two (2) lots, parcels, easements, etc., plus, in the form of a separate check, \$25.00 for the GIS Update Fee*.
 - Preliminary Subdivision Plans: \$250.00 plus \$10.00 for each lot.
 - Definitive Subdivision Plans: \$400.00 plus \$75.00 for each lot plus, in the form of a separate check, \$20.00 per lot for GIS Update Fee*.
 - Engineering fees (Refundable)
 - At the time of Application, a deposit for Engineering Review Fees shall be paid by the applicant to the Town. Said deposit shall be replenished by the applicant as required by the Planning Board. The initial deposit for Engineering Review shall be: \$750.00 plus \$250.00 per lot in excess of three (3).
- *In the even an ANR (81P) Plan or a Subdivision Review Plan is denied, applicant will, upon request, receive a full refund of their GIS Update Fee.

Mr. Petrillo informed Ms. Hardy that this document may be available. The information available for the checklist requirements can be found, however it's in about six (6) different documents. The request is to be placed in one (1) document, only. The Planning Board discussed the number of plans needed for each department and felt the amount needed for all the departments exceeded the amount needed. The board requests Ms. Hardy to find out what size each department would prefer to receive. Also, all agreed it would be in the best interest for each department to review the plans and to provide any comments within 30 days of receiving the plans or if any comments are available prior to the next scheduled Planning Board meeting (after receiving the application plans).

Vice-Chair Bernier requests to table this discussion until the next scheduled meeting on Wednesday, May 12, 2010.

Down East subdivision (off East Street, Tabor Road) Mr. Mark Anderson with Heritage Design Group and Mr. Bruce Taylor with Down East Realty, LLC were both present. Mr. Anderson requests a renewal of the covenant. A construction schedule was submitted on April 22, 2010. Mr. Taylor provided a \$5,000.00 fee/check for Graves Engineering to do the on-site inspections. A new covenant can be supplied at the next Planning Board meeting. Vice-Chair Bernier advised a pre-construction meeting was conducted on April 22, 2010. **MOTION** by Mr. Desruisseaux to accept the \$5,000.00 deposit for Down East subdivision for engineering review fees. Seconded by Mr. Leonardo, the motion carried unanimously.

Ledgemere Country IV (area within Crownshield Ave.) and Ledgemere Country V (south of Crownshield Ave.)
 Vice-Chair Ms. Bernier informed the board that a meeting was held on April 26th with the department heads, Attorney Roelofs and Mr. Jeffrey Walsh with Graves Engineering to discuss the projects. The Planning Board received the complete applications for the projects on April 20, 2010. The Planning Board decision process is 120 days (August 17, 2010). Per applicant, may ask for formal extension of 120 day mark. The extension was originally denied in 2007. Modification application request was denied and went to court, still in litigations. Ledgemere Country IV is to binder pavement. Two (2) new roads to be developed and are partially in: Hyde Park Circle (cull-de sac) and Tea Party Drive. The board will be receiving new plans for Ledgemere Country IV. Ledgemere Country V has 2 roadways, a cull-de sac (The Mews) and a "hammerhead" (Evangeline Lane, West Devonshire and East Devonshire). Underground utilities all covered and to the side (main utilities are under sidewalk and 2' grass strip). A building is to be proposed at lot B. There is a catch basin for the buildings at Crownshield Ave. and Cotton Mill Way. The common drive at 1a has a common building at both streets. It was appealed from the Building Inspector and brought to land court. Q. Why only 40' width and approved? The reason for the 40' width, there is an easement along one side (5') and a sidewalk on the other side (5'). Research all waivers for Ledgemere Country IV and Ledgemere Country V. Easement vs. fee, Town Manager requests to keep as one (1) distinct parcel and keep as fee. Applicant provided \$5,000.00 check with the application packet, for Ledgemere Country IV for engineering revolving account. Applicant was informed on April 26, 2010; a \$5,000.00 check will be needed for Ledgemere Country V. The Conservation Commission shall be reviewing the Ledgemere Country IV and Ledgemere Country V plans on Monday, May 3rd. The Commission will provide comments to the board for the Planning Board meeting on June 9, 2010. The Public Hearing for Ledgemere Country IV and Ledgemere Country V is scheduled for Wednesday, May 12, 2010. The Planning Board is holding a site visit for Thursday, May 6th at 3:00 p.m. at the junction of Crownshield Avenue and Spinning Wheel Drive to review Ledgemere Country IV and Ledgemere Country V.

Mountainview Estates (Mountain View Road, off Albee Road) Mr. Mark Anderson with Heritage Design Group was present and spoke on behalf of the applicant. Mr. Brian McCann, the applicant was unable to attend the meeting. The Certificate of Approval of a Definitive Plan for this project expired in November 2009. Heritage Design Group will be submitting a new application for Approval of a Definitive Plan. Work has continued on site; however the applicant is unable to have any material removed from the site due to a Cease and Desist work order issued by the Inspector of Buildings/Zoning Enforcement on April 26, 2010. Heritage Design Group sent a letter to Chairman Al Jones dated April 26, 2010, offering a remediation and control plan to correct and prevent erosion issues concerning this project. Discussions concerning the remediation and control plan will continue at the next Conservation Commission meeting on May 3, 2010.

Meadow Valley Estates decision – Mr. Mark Anderson with Heritage Design Group was present and spoke on behalf of the applicant. The board received a draft copy of the Meadow Valley Estates decision. Vice-Chair Ms. Bernier requested to read the “draft” decision, however a consensus between the board and Heritage Design Group requested not to have the “draft” decision read. Mr. Anderson and the applicant Jim Smith with TTK Real Estate just received the draft decision at the meeting. Mr. Anderson stated that it was unclear to him and to his client, as to why they have the decision because it was a product of a constructed approval through the Town Clerk and anything from that point on was nebulous. Mr. Anderson and his client would like the opportunity to review the draft decision provided. Mr. Anderson believes there are a number of errors on the decision, including the number of owners for subdivision. Mr. Anderson advised the board that there is only one owner which is TTK Real Estate. Mr. Anderson respectfully requests a continuance. Mr. Anderson has submitted a request to extend the Certificate of Approval from the 2007 plan. The board received a letter from Heritage Design Group requesting an extension to the approval, as well as the covenant for this project. The original Certificate of Approval is to expire May 23, 2010. Mr. Anderson strongly urged the Planning Board to bring this to Town Counsel and not rely on other opinions. **MOTION** by Mr. Petrillo to continue discussions of Meadow Valley Estates, to the next scheduled meeting on May 12, 2010. Seconded by Mr. Desruisseaux, the motion carried unanimously.

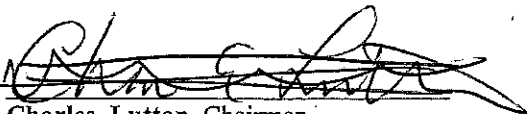
Davis Heights (Glen Street and Lee Street) – Mr. Mark Anderson with Heritage Design Group requested a submittal of as-built plans with comments for Davis Heights. All work from Marinella Construction is complete and request to submit to the board. Mr. Anderson asking for the bond is reduced to zero. The road is now owned by a separate entity. Mr. David Hogue, a resident at 55 Glen Street came forward to discuss Davis Heights. Vice-Chair Ms. Bernier advised Mr. Hogue that Davis Heights was not originally on the agenda and could not be discussed. Mr. Hogue requests that Davis Heights be placed on the next agenda for May 12, 2010. Mr. Hogue also requests an additional copy of plans be available for review. Mr. Anderson will supply an additional copy of the plans available for review. Marinella Construction has agreed to submit and provide to the town the as-built and road acceptance plans at no additional cost. Any additional needs after this will not be addressed by Marinella Construction since Marinella Construction no longer owns the property. The board will continue discussions at the next scheduled meeting on May 12, 2010.

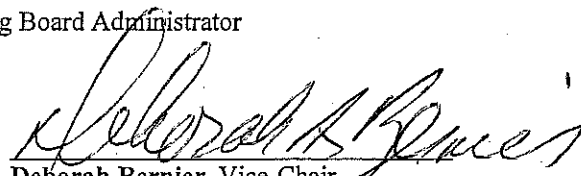
MINUTES. MOTION by Mr. Desruisseaux to approve the Planning Board Meeting Minutes dated April 14, 2010. Seconded by Mr. Petrillo, the motion carried unanimously.

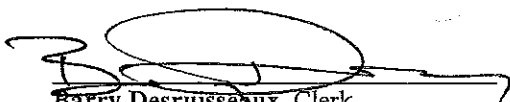
MOTION by Mr. Desruisseaux to adjourn the meeting at 8:16 P.M. Seconded by Mr. Petrillo, the motion carried unanimously.

The Board noted that Executive Session will not convene.

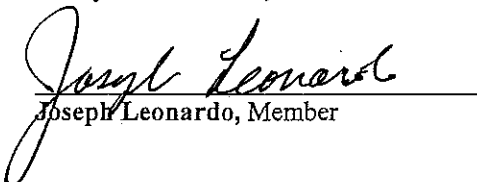
Respectfully Submitted by Donna C. Hardy, Planning Board Administrator


Charles, Lutton, Chairman


Deborah Bernier, Vice-Chair


Barry Desruisseaux, Clerk


Peter Petrillo, Member


Joseph Leonardo, Member

6/9/10
Date