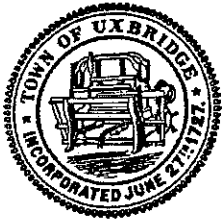


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Town of Uxbridge
Planning Board
21 South Main Street
Uxbridge, MA 01569
(508) 278-8600, ext 2013

Minutes of the Uxbridge Planning Board regular meeting held on **Wednesday, September 8, 2010**, at 7:00 P.M. in the **Board of Selectmen's Room, Uxbridge Town Hall, 21 South Main Street, Uxbridge, MA:**

Planning Board Members Present: Chairman Charles Lutton, Joseph Leonardo, Barry Desruisseaux, Peter Petrillo and Ernest Esposito

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.

FY-11-01 Conservation Design - Vanderzicht, Application for a Definitive Plan Approval & a Special Permit Application – The owner of record Vanderzicht Realty Trust and Keith & Sherri Vanderzicht and applicant of record Carol Hansen are seeking a Definitive Plan Approval & Special Permit for Conservation Design - Vanderzicht, located on the east by Rawson Street and on the south by Williams Street. The property has seven (7) proposed lots and is shown on the Town of Uxbridge Assessor's Map 10, Parcels 2959, 3393, 3625 & 3645. The plan is recorded in the Worcester Registry of Deeds Plan Book 15031, Page 61. Attorney Henry Lane with Law Firm of Lane and Hamer was present and spoke on behalf of the applicant. The Planning Board discussed that all seven (7) lots must have 200' frontage and should have open space in between the homes and not be separate. Attorney Lane informed the Board that it should be a cluster of house, per the bylaw. The Board commented that it's not a cluster. Attorney Lane advised it can be possible to make permanent space in between the properties and it can be incorporated on the plan. Chairman inquired if the audience had any questions or comments. Graves Engineering has been contacted to review the plans. An estimate from Graves Engineering is expected by September 22, 2010. Chairman Lutton requested a 30-day extension. Attorney Henry Lane will grant the extension. The Planning Board shall continue discussions to the next scheduled meeting.

Old/New Business:

ANR Plan – Hartford Ave West (Map 11, Parcels 3964 & 3963) – Mr. John Yerka was present. The Planning Board informed Mr. Yerka that if building is to be conducted at the site, then it will need to go before the Zoning Board of Appeals to get a variance. Mr. Yerka will not be building at this time. Following discussion, **MOTION** by Mr. Petrillo to endorse the ANR plan for John Yerka Family Trust and Fairwoods Christian Recreation Society prepared by Heritage Design Group dated July 27, 2010. Seconded by, Mr. Leonardo, the motion carried unanimously.

ANR Plan – North Main Street (Map 12C, Parcels 3565, 3569 & 4332) – Mr. Byron Andrews with Andrews Survey & Engineering was present and spoke on behalf of the applicant. Split existing lot on North Main Street containing Hellen Fuels Corporation's Garage and Hellen Fuels Corporation's office. The garage and office do not meet the rear setback requirements and were granted Variance from the Zoning Board of Appeals on August 4, 2010. The contamination is on lot #2 from the previous owners. When excavation was done to replace a tank, another tank was discovered, dated 1951 (no previous records for this tank). Issue with this tank, is that it puts an encumbrance on that part of the property and restricts the owner to refinancing. The reason to split it two (2) parcels, it allows the applicant freedom for one (1) parcel to be used for refinancing and no encumbrance on that parcel. Following discussion, **MOTION** by Mr. Petrillo to endorse the ANR plan for Uxbridge Properties, Inc.

prepared by Andrews Survey & Engineering, Inc. dated September 2, 2010. Seconded by Mr. Desruisseaux, the motion carried unanimously.

Hunting Whip Lane – Mr. Mark Anderson with Heritage Design Group was present and spoke on behalf of the applicant. Mr. Anderson would like to work with the Planning Board to get this project complete. The applicant met with the abutters and addressed their concerns. The Planning Board advised that the Public Hearing will need to be re-opened. Mr. Anderson requests the fees be waived, except for the legal advertisement. Following discussion, **MOTION** by Mr. Petrillo to waive all other application fees, except the legal advertisement for Hunting Whip Lane. Seconded by Mr. Desruisseaux, the motion carried unanimously.

Adopt a bylaw for Common Driveways and Retreat Lots -

To see if the Town will vote to amend Chapter 400 ARTICLE V General Regulations of the ZONING BYLAWS by inserting the following language in the currently reserved section 400-15 to be titled COMMON DRIVEWAYS

400-15 Common Driveways

A. Purpose

The purpose of this by-law is to promote public safety; avoid the alteration of the physical appearance of the land; minimize the alteration of wetland resource areas and topographical characteristics, including the removal of rock outcrops, significant fill or grading, removal of trees and other vegetation, or the removal of buildings of historical or architectural merit. All driveways shall be constructed in a manner ensuring reasonable and safe access for all vehicles including, but not limited to, emergency, fire and police vehicles.

B. Applicability

1. Common driveways, serving not more than two (2) lots are allowed by right.
2. Common driveways serving between three (3) and four (4) lots may be allowed by special permit in all zoning districts. Common driveways may not serve more than four (4) lots.

C. Special Permit Granting Authority

The Planning Board shall be the Special Permit Granting Authority for three (3) or more common driveways.

1. The Planning Board shall consider recommendations from the Police Chief, the Fire Chief, the Highway Superintendent and the Town Engineer.
2. The Planning Board may establish and assess reasonable fees for the permit application.
3. Strict compliance with the requirements of this by-law may be waived when, in the judgment of the Planning Board, such action is in the public interest and not inconsistent with this by-law. In waiving strict compliance, the Board may require such alternative conditions as will serve substantially the same objective as the standards being waived. Further, the Planning Board may adopt, and from time to time amend regulations, policies, or lend guidance in the implementation and administration of this by-law.

D. Administration

The submittal package shall include the Special Permit Application Form, a certified abutters list for all property owners within 300 feet of the properties being served, a plan showing the proposed driveway presented at a suitable scale to show the scope and intent of the proposed project, and the permit application fee as identified herein. Applicants for common driveway approval shall submit twelve (12) copies of the application package to the Planning Board office. Within three (3) business days thereafter the Planning Board shall forward a copy of the application to the Police Chief, Fire Chief, Highway Superintendent and the Town Engineer.

E. Design Requirements

1. Lots to be served shall have at least the minimum required frontage on a town way as required by the Zoning By-law in effect at the time they were created.

2. Lots to be served by a common driveway must meet the dimensional standards of the Zoning By-law in effect at the time they were created.
3. The common driveway shall be located entirely within the boundaries of the lots being served thereby.
4. The Grade of the Common Driveway shall not exceed 10% unless the Planning Board shall grant a waiver of this requirement after a determination that said driveway will provide safe and reasonable access for vehicles.
5. The Driveway Centerline intersection with the street centerline shall not be less than (forty-five) 45 degrees.
6. No driveway will be constructed that ties to an accepted Town way in a manner that interferes with Town road drainage.

F. Construction and Operational Requirements

1. No driveway will be constructed that ties to an accepted Town way in a manner that interferes with Town road drainage.
2. The Common Driveway shall have a minimum cleared width of eighteen (18) feet if less than or equal to three hundred (300) feet in length, and twenty-two (22) feet if greater than three hundred (300) feet in length.
3. Driveways shall be constructed with a durable material, graded and suitably maintained to the extent necessary to avoid any nuisance by reason of erosion or water flow onto adjoining property.
4. A paved apron of at least twenty (20) feet in length shall be constructed at the Common Driveway - street intersection to ensure that dirt and debris is not tracked into the street.
5. No parking shall be allowed on the commonly used portion of the common driveway.
6. The house numbers of the lots serviced by the common driveway shall be clearly posted at both the street and the split in the common driveway.

G. Required Documents

Proposed documents shall be submitted to the Planning Board demonstrating, to the satisfaction of the Planning Board, that, through easements, restrictive covenants or other appropriate legal devices, the maintenance, repair, snow removal and liability of the common driveway shall remain perpetually the responsibility of the private parties or their successors-in-interest.

1. Said documents shall be recorded at the Registry of Deeds, and a copy of said recorded documents shall be provided to the Planning Board prior to issuance of a building permit for any structure to be served by the common driveway.
2. A covenant shall be entered into between the owner or developer and the Town, in a form acceptable to the Planning Board, prohibiting the issuance of an occupancy permit for any structure to be served by the common driveway until such time as the common driveway has been constructed in accordance with this Bylaw.
3. Completion of Declaration of Common Driveway Maintenance Covenant.

Or take any other action related thereto.

Following discussion, **MOTION** by Mr. Petrillo to forward the warrant article to Amend Chapter 400 Article V General Regulations of the Zoning Bylaws – Common Driveways. Seconded by Mr. Desruisseaux, the motion carried unanimously.

To see if the Town will vote to amend Chapter 400 ARTICLE VI Special Residential Regulations of the ZONING BYLAWS by inserting the following language in the currently reserved section 400-32 to be titled RETREAT LOTS: For the purpose of providing reasonable use of backland, for single family residential use, there may be established so called retreat lots, also called pork chop lots or hammer head lots, the building upon which may be authorized by the Planning Board subject to the following conditions:

- A. Such lot shall be entirely within residential zoning district R-A, R-B, R-C or the Agriculture Zone.

- B. Such lot shall have a minimum street frontage of 30 feet and a width of not less than 30 feet at all points between the street and the nearest part of the principal building.
 - C. The area of such lot shall be at least 1.5 times the minimum area otherwise required.
 - D. Such lot shall otherwise be in compliance with all other requirements of the Zoning Bylaws applicable to the zoning district in which such lot is located.
 - E. Such lot shall not have contiguous frontage with any other lot owned by the same individual, group of individuals, or other common entity that has been granted a building permit pursuant to this section.
 - F. No building permit shall be issued pursuant to this section unless such lot is situated on a public way/private way in the Town of Uxbridge.
 - G. Any dwelling constructed on such lot shall be a single-family home.
 - H. Once a retreat lot with reduced frontage is approved by the Planning Board, it can not be subsequently divided into further lots.
- Or take any other action related thereto.

Following discussion, **MOTION** by Mr. Petrillo to forward the warrant article to Amend Chapter 400 Article VII Special Residential Regulations of the Zoning Bylaws – Retreat Lots. Seconded by Mr. Desruisseaux, the motion carried unanimously.

MINUTES. MOTION by Mr. Esposito to approve the Planning Board Meeting Minutes dated August 11, 2010. Seconded by Mr. Petrillo, the motion carried unanimously.

MINUTES. MOTION by Mr. Leonardo to approve the Planning Board Meeting Minutes dated September 7, 2010. Seconded by Mr. Desruisseaux, the motion carried 4-0-1 (Mr. Esposito abstained).

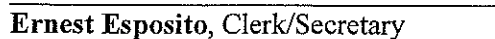
MOTION by Mr. Leonardo to adjourn the meeting at 8:25 P.M. Seconded by Mr. Esposito, the motion carried unanimously.

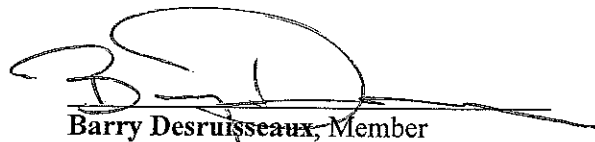
The Board noted that Executive Session will not convene.

Respectfully Submitted by Donna C. Hardy, Planning Board Administrator

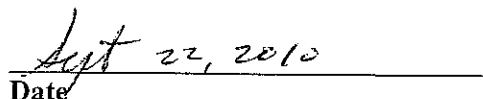

 Charles, Lutton, Chairman


 Peter Petrillo, Vice-Chair


 Ernest Esposito, Clerk/Secretary


 Barry Desruisseaux, Member


 Joseph Leonardo, Member


 Date