

Town of Uxbridge
Planning Board
 21 South Main Street, Room 203
 Uxbridge, MA 01569
 (508) 278-8600, ext 2013

Posted by
 Uxbridge
 Town Clerk

Minutes of the Uxbridge Planning Board regular meeting held on **Wednesday, January 23, 2013**, at 7:00 P.M. in the **Board of Selectmen's Room, Uxbridge Town Hall, 21 South Main Street, Uxbridge, MA:**

Planning Board Present: Joseph Leonardo, Barry Desruisseaux, Daniel Antonellis, James Smith, Julie Butler and Donna C. Hardy, Administrative Assistant

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

MOTION by Mr. Desruisseaux to take "FY13-03 Evergreen Forest Industrial Park, Application for Preliminary Plan Approval" out of order to discuss "Old/New Business: FY13-02 Evergreen Development – Special Permit decision". Seconded by Ms. Butler, the motion carried unanimously.

Old/New Business:

FY13-02 Evergreen Development – Special Permit decision – The Planning Board discussed the conditions to be applied to the decision. The condition list is as follows:

- 1) The Department of Environmental Protection Air Quality Plan Approval ("AQPA") letter, dated November 21, 2012, a copy of which is attached hereto as Exhibit A shall be deemed to be a part of this decision and shall be incorporated by reference herein.
- 2) The Manufacturing Establishment shall be built, operated and maintained in strict compliance with the terms and provisions of the various conditions, monitoring requirements, record keeping requirements and special terms and conditions enumerated in any Table, or Section of the AQPA.
- 3) The Uxbridge Building Inspector (Zoning Enforcement Officer) and the Uxbridge Board of Health agent shall be copied on any and all reports, submissions or other form of disclosures called for and or mandated in the AQPA. The Uxbridge Building Inspector (Zoning Enforcement Officer) and the Uxbridge Board of Health agent will have the authority to perform a scheduled compliance inspection within 24-hours of scheduling the meeting.
- 4) The Applicant shall comply with all applicable laws, regulations and permit conditions required by the Conservation Commission, Board of Health, and Building Department, Fire Department and all other departments and agencies for this project.
- 5) The Special Permit including any attachment or appendices thereto shall be recorded in the Worcester Registry of Deeds within 60 days and shall be deemed, for as long as the

Manufacturing Establishment permitted hereunder is in operation to run with the land and be binding on the owner thereof.

- 6) This Special Permit shall lapse in two (2) years on January 23, 2015, the filing of the Special Permit approval if a substantial use thereof has not commenced, except for good cause, or in the case of a permit for construction, if construction has not begun by such date except for good cause. Said time shall not include such time required to pursue or await the determination of an appeal referred to in M.G.L Chapter 40A, Section 17.
- 7) No trucks will be allowed to park or idle on Quaker Highway while waiting to arrive into the plant.
- 8) Hours of operation: Monday – Friday 6:00 A.M. to 6:00 P.M., Saturdays 6:00 A.M. – 3:00 P.M. and closed on Sundays.
- 9) Per the plan, twelve (12) Crimson King Maple trees, a minimum of 18’ tall will be planted on the facility.
- 10) Six-foot (6’) stockade fence will be placed around the property, except where walls are placed.
- 11) A gate at the point of entrance will be placed three-hundred feet (300’) off the road.
- 12) A biodegradable release agent shall be provided at the facility.
- 13) Applicant shall pave the unpaved portion of River Road within one (1) year of approval from the Uxbridge Conservation Commission. The Town will provide all necessary permits for the applicant. A minimum of a 2-inch binder of an 18 - 20’ width to furnish and pave the roadway.
- 14) A posting of a sign reading: “No diesel fuel will be sprayed on the trucks.” No diesel fuel shall be used as a release agent on the trucks. If at any time, anyone does spray the trucks with diesel fuel, the individual will not be allowed to enter the premises.
- 15) A steel reinforced concrete tub shall be erected so as to contain all of the liquid asphalt in case of a spill. The concrete tub shall be sized to be 1.1 times larger than the vessel containing the liquid. (I.e. if the liquid tank is 1,000 gallons then the concrete tub shall hold a volume of 1,100 gallons, etc.).
- 16) All exterior lights are to be off after 8:00 P.M. and any security lights are to be top covered so as not to light up the evening sky.
- 17) The backup warning beeper on the loader shall be attenuated so as not to exceed the DB levels allowed and set by the MA-DEP and to meet all OSHA minimum requirements.

Following review of all materials and testimony, a **MOTION** was made by Mr. Barry Desruisseaux and seconded by Mr. James Smith to grant a Special Permit for FY13-02 Evergreen Development to own and operate a Manufacturing Establishment for the production and sale of Bituminous Concrete at 586 Quaker Highway, Uxbridge, MA, roll call vote unanimous.

Public Hearings:

FY13-03 Evergreen Forest Industrial Park, Application for Preliminary Plan Approval - The owner/applicant of record 586 Quaker Uxbridge Acquisition Realty Trust – Joseph Antonellis, Trustee is seeking a Preliminary Plan Approval and being land bounded as follows: northerly by Bedrock Crossing LLC, easterly by River Road, southerly by Boston Edison, westerly by Stephens. The undersigned's title to said land is derived from Bayview Loan Servicing LLC by deed dated September 16, 2011 and recorded in the Worcester Registry of Deeds Book 47834, Page 269. Mr. Stephen O'Connell with Andrews Survey & Engineering, Inc. and Attorney Joseph Antonellis were both present. Discussion and areas of concern included that the property is a creation of 3-lots off of River Road with a 530' long roadway; the current structure on the property shall be removed; no waivers are to be expected; no proposed uses at this time and there will be significant Conservation permitting to be done, however the area has not been identified of where the wetland replication is to be done.

Attorney Antonellis informed the board that the purpose of filing the Preliminary Plan is that the applicant has an obligation to protect any and all uses that are presently available on this property throughout the process of moving forward of the bituminous concrete manufacturing facility. The purpose of filing a Preliminary Plan followed by a Definitive Subdivision Plan is to freeze the present zoning that is allowed under the Zoning Bylaws.

Other discussions and areas of concern included placing the business off River Road will need to be addressed; turning radius may need to be increased; the plans and application have been forwarded to board's 3rd party engineer for review; existing legal R-O-W to be taken under advisement for a fire access road.

Chairman Leonardo opened the discussion to the floor.

Discussion and areas of concern from the residents included if a Massachusetts curb-cut application was filed and if town well water has been tested. The board indicated that it is out of their jurisdiction to request the curb-cut application, the request would be up to the MASS Highway Department and the town well water is in compliance.

Following review of all materials and testimony, **MOTION** by Mr. Desruisseaux and seconded by Ms. Julie Butler, the motion carried unanimously to approve the FY13-03 Evergreen Forest Industrial Park of a Preliminary Subdivision Plan.

Old/New Business:

The Planning Board meeting minutes for December 12, 2012 & January 9, 2013 will be reviewed at the next scheduled meeting.

Correspondence:

King Street Estates (Map 53, Parcels 679 & 1465) – A e-mail request was sent to the Uxbridge Planning Board on January 8th to inquire if the most recent Permit Extension Act (the "Act") is applicable to this subdivision. The new Permit Extension Act created by Section 173 of Chapter 240 of the Acts of 2010 and extended by Sections 74 & 75 of Chapter 238 of the Acts of 2012 furthers the purpose by establishing an automatic four-year extension. This extends the project for an additional four (4) years until April 18, 2017. A letter shall be submitted to Andrews Survey & Engineering, Inc.

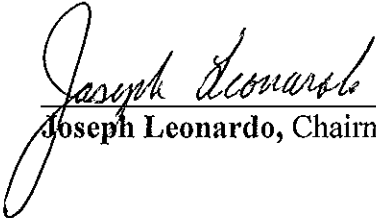
Invoices:

MOTION by Mr. Desruisseaux to accept the "Offline Voucher Payment Requests" for Graves Engineering Inc. invoices for Down East (11/7/12 & 12/14/12 reviews) & Evergreen Development (12/7/12 & 12/21/12 reviews) and Worcester Telegram & Gazette invoice (December 2012 billing period). Seconded by Ms. Butler, the motion carried unanimously.

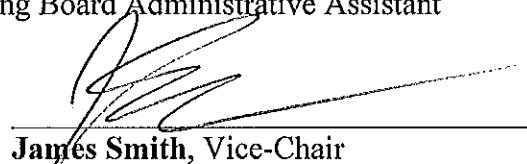
MOTION by Mr. Desruisseaux and seconded by Ms. Butler to adjourn the Planning Board meeting at 8:36 P.M., the motion carried unanimously.

The Board noted that Executive Session will not convene.

Respectfully Submitted by Donna C. Hardy, Planning Board Administrative Assistant

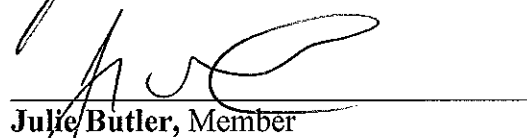


Joseph Leonardo, Chairman

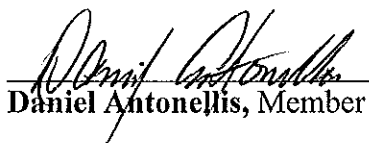


James Smith, Vice-Chair

Barry Desruisseaux, Clerk



Julie Butler, Member



Daniel Antonellis, Member

Date 2/13/13