

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

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Minutes of the Uxbridge Planning Board regular meeting held on **Wednesday, February 27, 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, James Smith, Barry Desruisseaux, Daniel Antonellis and Donna C. Hardy, Administrative Assistant

**Planning Board Absent:** Julie Butler

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.

**Public Hearings:** ~ none

**OLD/NEW BUSINESS:**

**Brown Bear Crossing (Minor modification to subdivision)** – Mr. Ross Smith, developer for the project, came forward to request a waiver for a gravel road instead of pavement. Town of Uxbridge Subdivision Rules & Regulations: Section 5.H (Roadway Cross Section): Waive the requirement for 26 feet of pavement (allow 16 feet of gravel instead), for sloped granite curb, for 2 pavement courses, 2% slope grade from curb to edge of right of way (allow natural grade) and underground utilities. The board received a review report from Mr. Benn Sherman; DPW Director dated February 22, 2013. The certificate of approval was granted in 2004; therefore the approval was slated to expire in 2007. Failure to complete the construction within the prescribed time frame would essentially invalidate the approval. Discussion and areas of concern from a resident on the property commented that on the current plans has a cul de sac drawn in, however there is no cul de sac on the property; also inquired if the waiver mentioned above was granted, who would be responsible for maintaining the roadway if the condition is not drivable (current road condition is very muddy), safety would be a concern with 2 other houses being built on the property. Mr. Smith informed the board that there is a cul de sac that has been formed; it's not fully constructed on the roadway. The board agreed that the applicant will need to submit an entirely new application and re-apply for a Definitive Subdivision plan.

**West River Estates, Phase V (Release of Covenant for Donna Court)** – Representing Fred Hutnak Development Corporation, Attorney Andrea Hogarth was present and came forward to discuss the subdivision. Attorney Hogarth requests Lot 5 be released at this time. Attorney Hogarth provided the board with a copy of the plan indicating that Lot 5 is an "interior lot". The board received a review report from Mr. Benn Sherman; DPW Director dated February 25, 2013. The board reviewed the West River Estates recorded covenant dated June 13, 2012 (recorded on June 26, 2012). The board addressed items #2 & #4 on the covenant; the board stated that the construction of the roadway needs to be completed. The board requires either a performance bond (or a security to be in place) or the roadway to be completed prior to releasing any of the lots. Attorney Hogarth disagreed and felt that with the good

reputation that the applicant has with the board and the town, that the board proceed and release Lot 5. Attorney Hogarth stated that the other lots will be held as a security to assure the board that the roadway will be fully completed. Following discussion, **MOTION** by Mr. Desruisseaux to deny the request to release Lot 5 due to the roadway not completely finished as the covenant states or unless a security can be put in place for West River Estates (Donna Court). Seconded by Mr. Smith, the motion carried 3-0-1 (1 abstain). Other discussions and concern from both parties included that the amount for the performance bond can be obtained either from the Department of Public Works recent opinion or received directly by the Planning Board's 3<sup>rd</sup> party engineer – Graves Engineering, Inc.

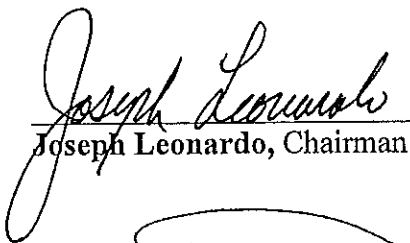
**ANR Plan on East Hartford Ave & West River Road (Map 7, Parcel Lots 2967, 2998, 2999, 3815, 3736)** – Mr. Michael Yerka with Civil Site Engineering, Inc was present and discussed the ANR plan. Following discussion, **MOTION** by Mr. Desruisseaux to accept the ANR plan titled "Division Plan of Land in Uxbridge, MA for the applicant/owner of record: Lot 2967, Emile J. Montville and Theresa R. Montville 1991 Trust at 347 West River Road and applicant/owner of record: Lots 2998, 2999, 3815 and 3736 for Montville Family Irrevocable Trust, Barbara D. & Richard G Johnson, Trustees dated February 13, 2013." Seconded by Mr. Smith, the motion carried unanimously. The Planning Board signed the mylar plans.

**MINUTES.** **MOTION** by Mr. Antonellis to approve the Planning Board Meeting Minutes dated February 13, 2013. Seconded by Mr. Smith, the motion carried unanimously.

**MINUTES.** The Board signed the Planning Board Executive Meeting Minutes dated December 12, 2012. These minutes were previously approved at the last meeting.

**MOTION** by Mr. Desruisseaux to adjourn 7:56 P.M. into executive session to discuss strategy with respect to collective bargaining or litigation, an open meeting may have a detrimental effect on the government's bargaining or litigation position, with no other business to follow. Seconded by Mr. Smith, the motion carried unanimously by roll call vote.

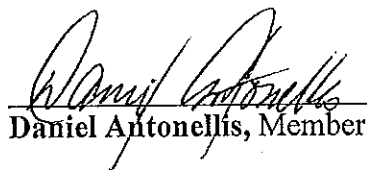
Respectfully Submitted by Donna C. Hardy, Administrative Assistant

  
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Joseph Leonardo, Chairman

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James Smith, Vice-Chair

  
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Barry Desruisseaux, Clerk

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Julie Butler, Member

  
\_\_\_\_\_  
Daniel Antonellis, Member

\_\_\_\_\_  
Date

3/13/13