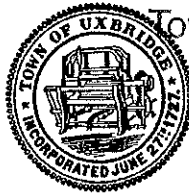


James Smith, Chair
Barry Desruisseaux, Vice Chair
Peter Pavao, Clerk
Joseph Leonardo, Member
Justin Piccirillo, Member



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PLANNING BOARD MEETING MINUTES WEDNESDAY, January 25, 2017

Minutes of the Uxbridge Planning Board regularly scheduled meeting on **Wednesday, January 25, 2017**, at **7:00 P.M.** in the **Board of Selectmen Meeting Room, Uxbridge Town Hall, 21 South Main Street, Uxbridge, MA.**

Present: Chair James Smith, Vice Chair Barry Desruisseaux, Clerk Peter Pavao, Member Joe Leonardo, Member Justin Piccirillo; Also present Administrative Assistant Lynn Marchand.

I. CALL TO ORDER

It being approximately 7:00 pm, the meeting being properly posted, duly called, and a quorum being present, the meeting was called to order by the Chair, who led the Pledge of Allegiance.

II. PUBLIC HEARING(S):

Continued from January 11, 2017

1. **FY17-03, Cote Lane, Definitive Subdivision Application** - The Owner/Applicant of record, **Stage One Investors, LLC** is seeking approval of a seven (7) lot subdivision on a 490' cul-de-sac on a total acreage tract of 4.69 acres. Property is located on **Cote Lane, Uxbridge MA on the southerly side of Carney Street to the west of Marywood Street.** The property is shown on the Town of Uxbridge Assessor's Map 24A, Parcel 1434. The title to said land is recorded in the Worcester District Registry of Deeds Book 54575, Page 91; Property is located in Residential Zone A.

MOTION I: to continue the Public Hearing to February 8th made by Mr. Desruisseaux. Motion was seconded by Mr. Piccirillo. Motion carried 5-0-0.

Continued from January 11, 2017

2. **FY17-16, 124 & 126 N. Main St., 128-130 N. Main St., 4 Hazel St., & 8-10 Hazel St., Special Permit Application** - The Applicant of record are **Cumberland Farms, Inc.** and the owners of record, **Richard & Edward Riley, Lori & Scott Brady, Blackstone Realty, LLC, & Blackstone Realty, LLC** are seeking a **Special Permit** to raze the existing site and construct/operate a 4,786 square foot retail convenience store with automobile fillings stations; six (6) fueling stations/12 fueling positions including diesel. Properties are located on **124 & 126 N. Main St., 128-130 N. Main St., 4 Hazel St., & 8-10 Hazel St., Uxbridge, MA.** The properties are shown on the Town of Uxbridge Assessor's Map 304, Parcels 2966, 2967, 2964, & 2958. The titles to said land are recorded in the Worcester District Registry of Deeds Books 34960, 41846, 18685, & 20548 Pages 391, 394, 305, & 195; Properties are located in a Business zone.

MOTION I: to continue the Public Hearing to February 8th made by Mr. Desruisseaux. Motion was seconded by Mr. Piccirillo. Motion carried 5-0-0.

3. **FY17-21 Special Permit Modification Application** - The Owner/Applicant of record, **Rogerson Crossing Realty Trust**, is seeking approval to construct 66 townhouse style units and roadway with associated grading, drainage, and utilities pursuant to Section 400-29 (Townhouse Development) of the Uxbridge Zoning Bylaws. Property is located on **0 Rogerson Crossing.** The property is shown on the Town of Uxbridge Assessor's Map 12B & 12C, Parcels 3768 & 4455. The title to said land is recorded in the Worcester District Registry of Deeds Book 53646 & 53741, Page 389 & 227; Property is located in Residential A Zone.



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The Chair gave a history of the projected and stated the reason for the modification was there was timing issues regarding recording the proper documents. He stated it was a procedural issue and the Plans were the same. Representing the applicant, Mr. Stephen O'Connell of Andrews Engineering restated the Chair's remarks and reviewed the details of the project to the Board and the public. No one from the public wished to speak to the application. The Board affirmed that the application was just for the Special Permit for the condos.

MOTION I: to close the Public Hearing made by Mr. Desruisseaux. Motion was seconded by Mr. Pavao. Motion carried 5-0-0.

4. **FY17-23 Special Permit & Definitive Subdivision Application** - The Owners of record, **Arnold S. & Sylvia A. Baker**, and applicant of record, **JLT Development, LLC/James Tetreau/Timothy Barlow**, are seeking approval of a **Definitive Subdivision (Residential Conservation Development)** to construct a residential conservation development, **Trowbridge Acres**, including 640 foot long road with twelve (12) lots. Property is located on **434 Sutton Street, Uxbridge, MA**. The property is shown on the Town of Uxbridge Assessor's Map 4, Parcel 2976. The title to said land is recorded in the Worcester District Registry of Deeds Book 5656 Page 319 and is free of encumbrances except for the following 200' wide New England Power Company easement at southwest corner of parcel; parcel currently under Chapter 61A for land growing agricultural use.; Property is located in an agricultural zone.

Mr. Norman Gamache of G&H representing the applicant reviewed the location and history of the application including the PB's approval of the preliminary plan. He described the project as having 13 acres to develop the roadway (665 feet to the center of the cul-de-sac) and 12 lots (2 having frontage on Sutton St; 1 having frontage on the new road/Bayliss Way with private well and septic systems, utilities will be underground, drainage will be through catch basins to man holes including an interceptor on right side of the roadway, and another drainage grass swale as well as piping and stone at the rear of the lots. He stated there will be 21 acres preserved in perpetuity for continuous open space agriculture to be conveyed to a non-profit. The roadway is proposed at 50' wide with 24' wide travelled way and a 5' sidewalk on the left hand side of the road; curbing is proposed as modified cape cod berm and granite curbing at the intersections and at the inlets for the catch basins.

Mr. Gamache stated they would be addressing the comments from Graves Engineering after receiving feedback from the PB and DPW to ensure they address any issues at once. One waiver is being sought. Discussion was had regarding the design to ensure adequate sight distance. No members of the public wished to speak to the application.

MOTION I: to continue the Public Hearing to February 22nd made by Mr. Leonardo. Motion was seconded by Mr. Pavao. Motion carried 5-0-0.

5. **FY17-25, 785 Quaker Hwy., Special Permit Application** - The Owner/Applicant of record, **EI-Massih Enterprises, LLC/Fadi El-Massih**, is seeking a **Special Permit** to construct a gas service station and retail convenience store, with a future drive through, and associated earthwork, paving utilities, and landscaping. Property is located on **785 Quaker Highway, Uxbridge, MA**. The property is shown on the Town of Uxbridge Assessor's Map 51, Parcel 188. The title to said land is recorded in the Worcester District Registry of Deeds Book 40841 Page 89; Property is located in a Business zone.

Representing the applicant, Mr. Stephen O'Connell of Andrews Engineering spoke to the application. He reviewed the history of the property; site of Gia's Restaurant & formally the Oyster Cabin. He stated the ZBA granted a Special Permit (SP) for the use of the property for a gas filling station/retail convenience store according to the zoning bylaw; Mr. O'Connell stated the following: A SP was required due to traffic flow exceeding the thresholds in the bylaw plus the drive thru (w/bypass lane) and future tenant space if public water became available in that area. Currently the property is serviced by a well and there are limitations on public water supply regs under state requirements by DEP that limit transient and non-transient water supply wells. Not allowed to serve more than 25 people for 6+ months out of the year on a water supply well of this nature. They do not control the



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radius around the well to protect it to the standards required by DEP for a public water supply. The store will serve packaged foods but will not make food on-site or anything they would need to use the private well for.

Mr. O'Connell stated they felt the design addressed the issue of being so close to the 146 on-ramp. 4-unleaded fuel pumps for passenger vehicles in the front and 3 fuel pumps (5 fueling positions) for diesel trucks/vehicles and exit out Ironstone St. (which will be exit-only) and come around, out to Balm of Life Spring Road and back to Quaker Hwy. Passenger vehicles will have access to the whole property. Employee parking in the back. Dumpster on site. Mr. O'Connell stated they are in the process of addressing Graves Engineering's comments. He stated there are no floor plans, renderings, or elevations at this time as permits/approvals are needed before they seek occupants. He stated they would be happy to accept a condition to present them to the Board for approval.

Mr. O'Connell stated stormwater would be handled on-site thru 2 different subsurface infiltration chambers. He stated the soil conditions were excellent. Water was 13' down. He said the stormwater management had to meet a higher standard than normally due to the close proximity of the wells (80% pre-treatment before discharge into the ground)

The Board and Mr. O'Connell discussed State requirements, speed/traffic analysis (Mr. O'Connell stated he would check with the State to see what they are looking for and get back to the PB w/the information), site distance, tank location, hours of operation (Mr. O'Connell stated he would ask the applicant), signage (will be included in revised plans), onsite and exiting traffic flow.

Abutters expressed the following concerns: safety of surrounding wells, groundwater protection (underground petroleum product storage tanks---only with SP from ZBA), tank leaking, aquifer protection,

One abutter expressed approval of the location as being better on Quaker Hwy then downtown Uxbridge.

MOTION I: to continue the Public Hearing made by Mr. Desruisseaux. Motion was seconded by Mr. Piccirillo. Motion carried 5-0-0.

III. BUSINESS

1. ANR: FY17-26, N. Main St/Hazel St

Attorney Tom Reidy stated the properties were situated on the site of the proposed Cumberland Farms project and that the ANR was to combine all 4 of the lots.

MOTION I: to grant the ANR for N Main St & Hazel St. for 2958, 2964, 2967, & 2966 by Mr. Desruisseaux. Motion was seconded by Mr. Pavao. Motion carried 5-0-0.

The Board signed the Mylars.

Mr. Smith recused himself.

- 2. FY17-19, Definitive Subdivision** – The owner of record, **Bonsmith, LLC/James Smith** is seeking approval for a Definitive Subdivision to construct two (2) single family residential building lots. Property is located on **Summit Estates, 65 Richardson Street, Uxbridge, MA**. The property is shown on the Town of Uxbridge Assessor's Map 29, Parcel 1227. The title to said land is recorded in the Worcester District Registry of Deeds Book 56339, Pages 279. Property is located in a Residential-C zoning district.

Mr. O'Connell, representing the applicant, stated he had read the Decision draft and had no issues with it.

MOTION I: to approve the Decision for Summit Estates as written, off 65 Richardson St which will be a private road in perpetuity made by Mr. Leonardo. Motion was seconded by Mr. Pavao. Motion carried 5-0-0.



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The Board signed the Decision.

3. Palomino Estates –Informal Discussion

Attorney Lane on behalf of Mr. Blaise spoke to the Board. He stated Palomino Estates was originally approved circa 2003 with several extensions with the last expiring in 2013. He asked what the PB would require to get the subdivision back as an approved subdivision that could be constructed. He stated zoning had not changed in terms of lot size, 6 lots, near Mendon/can only be accessed through Mendon. He reviewed the history of the property saying it was part of the West Hill property approx. 25-30 years ago, that the Army Corps decided was surplus land, and auctioned it off.

The Chair stated the applicant would have to come up with the original Plan, do a public hearing, and have the Plans reviewed by Graves Engineering; All engineering, stormwater, zoning regulations would have to be met. The applicant's engineer reviewed what has been done to date. The Board suggested they file an application to start the process.

4. Gravel Operations Review/Updates/Violations/General Discussion

- a. 175 South Street; gravel permit was issued.
- b. 775 Millville Rd; no application received/no permit issued

5. ZEO (Zoning Enforcement Officer) response to PB letter

The Chair stated the PB had issued a letter to the ZEO for a determination and inspection to determine the use (for 175 South St & 775 Millville Rd) and that the ZEO had responded. The Board reviewed the letters from the ZEO.

January 9th letter for **775 Millville Rd**: Mr. Piccirillo paraphrased the ZEO's letter stating the principle use is a commercial soils operation and is violation of Uxbridge zoning bylaw. Mr. Leonardo reviewed a second letter which was received from the ZEO to the PB, giving 5 business days for the property owner to submit (an application for a Special Permit to the ZBA).

**as of 1/26/17 this letter was not mailed to the owner of the property*

Mr. Piccirillo reviewed the letter from the owner asking the ZEO to refrain from taking any official action until the AG renders a decision on the Warrant article from the last FATM. Mr. Leonardo expressed his concern that the owner has repeatedly not filed (for a Special Permit). Mr. Desruisseaux underscored Mr. Leonardo's concern regarding the continued extensions of time while they continue operating without filing. The Board discussed sending a letter to the ZEO requesting that he issue a cease and desist order. Mr. Leonardo said he heard the BOS wanted to get involved in this. Mr. Desruisseaux stated it didn't have anything to do with what they (the PB) were talking about as they were referring to the letter sent by the PB. Mr. Desruisseaux stated his concern that they were continuing to operate after numerous extensions of time but still no application for a permit was submitted and stated at some point that they had to be told to stop. He compared it to when a person starts building a house, if they don't have a permit they will be given a stop work order right away. He stated his confusion at why this was any different and why it kept being pushed on and on. Discussion was had regarding what to include in the letter to the ZEO.

MOTION I: that the Planning Board send a letter to the Zoning Enforcement Officer, Larry Lench, with the following request " Based on your letter of determination, of the activities at the site of 775 Millville Road, the Planning Board requests that you enforce the zoning bylaw by issuing a cease and desist for commercial soil operation activities. We request your response within 14 days" made by Mr. Piccirillo. Motion was seconded by Mr. Desruisseaux. Motion carried 5-0-0.

The Board reviewed the letter the ZEO sent to the owner of 175 South Street. Attorney Lane stated he was in contact with the Bldg Inspector (ZEO) and that an appeal had been filed with the ZBA. He stated that it was his understanding was that the ZEO would hold off further action until the ZBA made



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a determination. It was stated that work was continuing. Discussion was had regarding the length of time between now and when a determination would be made by the ZBA and whether or not work must stop until the appeal is determined. Mr. Desruisseaux stated that they as a Board should be consistent and that they were just issuing a letter to the ZEO following up.

MOTION II: that the Planning Board send a letter to the Zoning Enforcement Officer, Larry Lench, with the following request " *Based on your letter of determination, of the activities at the site of 175 South Street the Planning Board requests that you enforce the zoning bylaw by issuing a cease and desist for commercial soil operation activities. We request your response within 14 days*" made by Mr. Piccirillo. Motion was seconded by Mr. Desruisseaux. Motion carried 5-0-0.

6. **Master Planning;** The Board suggested taking this up in a workshop meeting. Mr. Piccirillo discussed a grant opportunity. General master planning topics were discussed.

7. **Records request information update**

IV. MINUTES/MAIL/INVOICES

1. 12/28/17 Meeting Minutes –passed over
 2. 01/11/17 Meeting Minutes –passed over
- *the Board reviewed and signed the corrected Minutes from 10/19/16 that were previously voted on.

V. ANY OTHER BUSINESS, which may lawfully come before the Board.

A member of the group Citizen's for Clean Water addressed the Board regarding drafting amendments to the Town Meeting approved bylaw currently before the AG's office. She asked for the PB's assistance. Discussion was had and the Board said they would help. She also stated the group was in the early stages of drafting an aquifer protection bylaw and asked for the PB's assistance. The PB stated it would be more under the BOH's purview. General discussion was had. The 2nd week of March was stated to be the cutoff date to get something on the SATM warrant. The Board said yes, they would assist with drafting the bylaw.

VI. ADJOURNMENT: NEXT PLANNING BOARD MEETING, WEDNESDAY, February 8, 2017.

MOTION I: to adjourn by Mr. Desruisseaux. Motion was seconded by Mr. Piccirillo. Motion carried 5-0-0.

Respectfully submitted,

Lynn Marchand
Land Use Administrative Assistant



PLANNING BOARD MEETING MINUTES
January 25, 2017 continued

Planning Board Signatures

James Smith, Chairman

A handwritten signature in dark ink, appearing to be "J. Smith", written over a horizontal line.

Joseph Leonardo, Member

absent

Barry Desruisseaux, Vice-Chair

A large, stylized handwritten signature in dark ink, written over a horizontal line.

Justin Piccirillo, Member

Peter Pavao, Clerk

A handwritten signature in dark ink, appearing to be "P. Pavao", written over a horizontal line.

Date

2-8-17