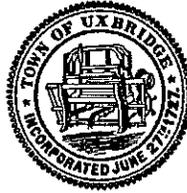


James Smith, Chair  
 Barry Desruisseaux, Vice Chair  
 Peter Pavao, Clerk  
 Joseph Leonardo, Member  
 Justin Piccirillo, Member



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## PLANNING BOARD MEETING MINUTES WEDNESDAY, March 22, 2017

Minutes of the Uxbridge Planning Board regularly scheduled meeting on **Wednesday, March 22, 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 p.m., the meeting being properly posted, duly called, and a quorum being present, the meeting was called to order by the Chairman, who led the Pledge of Allegiance.

### II. PUBLIC HEARINGS

*Continued from March 8, 2017*

- 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.

Representing the applicant, Mr. Grenier of Guerriere and Halnon spoke regarding the Plan revisions made to address the Board's and Graves Engineering's comments; shifting the location of the proposed access of Cote Ln. from Carney St to gain 300' of site distance, modifications to the drainage, modification to the trench and swale to gain storage volume/added 12' PVC perforated pipe, and modified the details of the drainage near the neighbors/stone lined bottom to avoid erosion. He described the changes that would be made on the Plan that was requested by DPW.

Mr. Desruisseaux asked about the Waiver List. Mr. Pavao asked about some of the numbers not matching up. Mr. Grenier stated he could add the Waiver List to the Cover Sheet of the final Plan and conditions on the last page of the Mylar, including the change to 1%. Discussion was had regarding curbing and easements.

The Chair opened discussion to the Public. No one from the public wished to speak.

**MOTION I: to close the Public Hearing to March 22nd made by Mr. Desruisseaux. Motion was seconded by Mr. Piccirillo. Motion carried 5-0-0.**

*Continued from March 8, 2017*

- 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.

Attorney Reidy of Bacon Wilson P.C., representing Cumberland Farms, recapped the history of the project with the Board and gave an overview of all reports, reviews, and concerns/issues that have been addressed. He stated that if the Permit was approved the existing Cumberland Farms would be closed.



## PLANNING BOARD MEETING MINUTES March 22, 2017 continued

He told the Board the current Cumberland Farms generates approximately \$7000 in tax revenue and the new Cumberland Farms would yield approximately \$27,000 to \$28,000.

He stated there are two easements on the property [sewer and drainage] that they would be looking to relocate. He stated the existing drainage system was not working properly due to silt build up. He stated they would replace the pipes on the proposed site. An Engineering for the proposed project spoke to the Board regarding the storm drainage problem stating during their video inspection of the pipe they identified the pipe maintained by the Town was not working due to it being silted up so they redesigned their Plan and will not be hooking up to it but instead they will pre-treat the run-off and decrease it; 200 linear feet maintained by the Town will be replaced by Cumberland Farms. The Board commented that the Town needed to maintain the Town drainage system.

Discussion was had regarding easement relocation [to be decided either by Town Counsel, Town Meeting, or a future modification], fencing, snow storage, dumpster location, and traffic. The traffic engineer for the project stated that Graves Engineering had recognized that stop signs and stop bars were missing on Hazel and Arch Streets. As mitigation, the proponent would be willing to put them in.

Attorney Reidy stated initially they asked for a 24 hour store but based on feedback from abutters and Town Officials, they were modifying their request; 5 a.m. to midnight hours of operation.

The Chair opened the discussion to the public conditioned upon it being new comments/concerns not already addressed.

One abutter stated he objection to raising the lot due to drainage issues it would cause on other properties. He stated that the block piped should be addressed by the Town.

Another abutter expressed concerned regarding the decibel indicated by the sound study and wanted to know if it would be a constant or only at peak times. The abutter asked if there could be a restriction made regarding music and audio announcements at the pumps and eating the area. Attorney Reidy and the Board discussed the current noise level, noise during construction, and restrictions of noise during certain hours. The abutter asked about snow storage on permeable areas and chemicals. The Board stated that the Town currently stores snow in the same manner and has chemicals/salt. The abutter expressed concern regarding the soil study/seasonally high water study and the depth of storage tanks; asked what will alert the public if there is a problem.

The project engineer re-stated snow would be pulled off sight. He discussed the tanks being partly in water during the seasonally high weather as is common in New England. He stated the tanks met or exceeded all the State, Federal, and Local requirements and offered to give a 45-min presentation on all the safety equipment but in lieu of that he stated the tanks are monitored 24-7, 365 days a year for even the slightest leaks, that the tanks are double wall fiberglass, and that it is a very well made and well monitored system.

Another abutter expressed her concerns regarding the negative impact on the Town, neighborhood, residents, business and their employees. The Chair asked if there were facts to back up her statement or if she was expressing her opinions. She stated it was common sense and that she and many of her neighbors had lived in Town for many decades and that their opinions, as well as local businesses, should be a consideration.

The Chair stated they also had to consider rules and regulations, engineering, opinions, and peer reviews to make their decision. He stated they respected their feelings but also had to be unbiased based on facts and engineering. Property value was also discussed. The abutter asked what benefit to the Town did the project provide. The Chair stated there was a tax benefit, it would fix part of the drainage problem and stated the current Cumberland Farms is very difficult to get in and out of, it abuts wetlands, has a deteriorating building and older tanks, that Cumberland Farms is an existing Town business and will be improving their business.



**PLANNING BOARD MEETING MINUTES**  
**March 22, 2017 continued**

The Vice Chair stated they have to follow the law and if the applicant meets all the requirements and when the independent engineers agree with the reports, the Board would have to have a factual reason/hard data for denying the Special Permit and not just that the surrounding residents don't like it. He stated in a court of law the Town would spend a lot of money and there would have to be hard evidence for their denying it or they would lose. He further stated there is a 20-day appeal period and if the Board approved the Special Permit that residents could still challenge the Decision in court. Mr. Piccirillo added that residents could create certain zoning laws to address certain things but it would have to be done proactively and not after the fact.

Another abutter asked if Cumberland Farms would like to meet with residents and could they do anything to make it better and more of a community thing. The Board discussed conditions and stated that public input had been received. She also asked about lighting and noise (slamming doors, truck deliveries and beeping). Attorney Reidy stated there would be downcast lighting and the Board stated the sound study incorporated all noise factors. Attorney Reidy was open to hour restrictions of audio advertising and music but commented that Law requires that communication be allowed between the pumps and the store.

Town Meeting/Warrant Articles process was also briefly discussed.

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

*Continued from March 8, 2017*

3. **FY17-23 Special Permit & Preliminary 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.

Representing the applicant, Mr. Michael Hassett of Guerriere & Halnon, recapped the project for the Board and reviewed the proposed changes; realignment of the road where it meets Sutton St., drainage, and site distance. He stated they would be sending the revised Plans to Graves. No members of the public wished to speak.

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

*Continued from March 8, 2017*

4. **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 stated they were making the changes to the Plan per Graves Engineering comments. submitted a traffic memorandum. He stated he met with DPW to discuss the drainage issue. He stated he was working through the options with the Town and abutters and expected a resolution soon. General details of the proposed project were touched upon. No members of the public wished to speak to the application.



PLANNING BOARD MEETING MINUTES  
March 22, 2017 continued

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

*Continued from March 8, 2017*

5. **FY17-26, 671 Quaker Hwy., Special Permit Application** - The Owner/Applicant of record, **Cardinal Enterprises Realty, LLC/Denis Dorr**, is seeking a **Special Permit** to construct a fuel station and doughnut shop, with a future drive thru, with associated earthwork, paving utilities, and landscaping. Property is located on **671 Quaker Highway, Uxbridge, MA**. The property is shown on the Town of Uxbridge Assessor's Maps 45 & 50, Parcels 3895 & 711. The title to said land is recorded in the Worcester District Registry of Deeds Books 4530 & 42585 Pages 396 & 253; Property is located in a Business zone.

Representing the applicant, Mr. Stephen O'Connell of Andrews Engineering stated there was a need for a diesel filling station in that area. He submitted a traffic memorandum, that was requested by the Board, and reviewed the details. He stated in conclusion there was no concern about the ability of the roadway system and network to accommodate the trips generated. A revised site Plan addressing Graves comments was being worked on. He stated that he wanted the ability to come back prior to building permits to show what the architectural plans would be and that until the permits are issued, there weren't tenants interested. Future tenants would have Plans to show the Board but they would fit in the footprint shown. Discussion was had regarding internal traffic flow, signage, and property layout. Hours of operation requested: 24 hours. No abutters wish to speak to the proposal.

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

*Continued from March 8, 2017*

6. **FY17-22 Special Permit Modification Application** - The Applicant **Eli Laverdiere & Owners Paul & Kathleen Laverdiere**, are seeking approval for a proposed subdivision on a plan entitled Road Acceptance Plan dated August 11, 2015. Property is located on **15, 16 & 19 Storey Lane**. The property is shown on the Town of Uxbridge Assessor's Map 11, Parcels 1083, 1825, 1818. The title to said land is recorded in the Worcester District Registry of Deeds Book 38887 Pages 369, 367, & 371; Property is located in an Agriculture Zone

The Chair opened the public hearing. On behalf of the applicant, Representing the applicant, Mr. Stephen O'Connell of Andrews Engineering reviewed the details of the already constructed project. He stated the applicant was seeking a Special Permit modification not for construction but asking for a new PB decision w/waivers removing "private in perpetuity" and then the applicant would seek the road acceptance as a Public Way. He said DPW had taken the field notes when the road was constructed. Also discussed: conditions and road width. The applicant also spoke with the Board. No members of the public wished to speak to the application.

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

### III. BUSINESS

Mr. Smith recused himself

1. Summit Estates –Covenant

The Board reviewed a proposed Covenant for Summit Estates. A brief general discussion was had.

**MOTION I: to accept the Covenant for BonSmith, LLC James Smith for Summit Estates made by Mr. Leonardo. Motion was seconded by Mr. Piccirillo. Motion carried 5-0-0**

Mr. Smith returned to the meeting.



**PLANNING BOARD MEETING MINUTES  
March 22, 2017 continued**

Mr. Smith asked for a motion to take "Any Other Business" out of order.

**MOTION I: to take Any Other Business out of order made by Mr. Leonardo. Motion was seconded by Mr. Piccirillo. Motion carried 5-0-0**

2. Master Planning -passed over
3. Subdivision Rules & Regulations; Revision discussions, Private Roads & Unimproved Roads -passed over.

**IV. MINUTES/MAIL/INVOICES**

1. 01/11/17 Meeting Minutes -passed over
2. 02/15/17 Meeting Minutes -passed over
3. 02/22/17 Meeting Minutes -passed over
4. 03/01/17 Meeting Minutes -passed over
5. 03/08/17 Meeting Minutes -passed over

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

A resident spoke to the Board regarding 710 Chocolog Rd. which connects Hathaway Lane. She discussed with the Board building a house on the back part of the property along the unimproved section of Hathaway Lane. General discussion was had including frontage issues on an unimproved roadway. The Board did not agree that it was possible, based on the information and informal Plan presented.

Planning Board sponsored Warrant Article: Mr. Desruisseaux volunteered to speak on behalf of the Planning Board to the Finance Committee.

**VI. ADJOURNMENT: NEXT PLANNING BOARD MEETING, WEDNESDAY, *April 12, 2017.***

**MOTION I: At approximately 10:31 p.m. Mr. Desruisseaux made a motion to adjourn. The motion was seconded by Mr. Piccirillo. Motion carried 5-0-0.**

Respectfully submitted,

Lynn Marchand  
Land Use Administrative Assistant



**PLANNING BOARD MEETING MINUTES**  
March 22, 2017 continued

**Planning Board Signatures**

James Smith, Chairman

Joseph Leonardo, Member

Barry Desjardis, Vice-Chair

Absent

Justin Piccirillo, Member

Peter Pavao, Clerk

May 3, 2017

Date