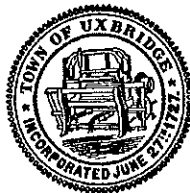


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James Smith, Chair
Barry Desruisseaux, Vice Chair
Peter Pavao, Clerk
Joseph Leonardo, Member
Justin Piccirillo, Member



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PLANNING BOARD MEETING MINUTES WEDNESDAY, April 12, 2017

Minutes of the Uxbridge Planning Board regularly scheduled meeting on **Wednesday, April 12, 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, Justin Piccirillo; Also Administrative Assistant, Lynn Marchand

Absent: Member, Joe Leonardo

I. CALL TO ORDER

It being approximately 7:05 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 22, 2017

1. **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/James Tetreau, Norm Gamache of Guerrier & Halnon discuss with the Board regarding changes made to the intersection (90-degree angle), the details of the increased the sight distance and the drainage modification. Also stated was that vegetation will have to be kept under 2'. Mr. Gamache said they had replied to each of Graves comments. The Board stated there would be two waivers needed; for the Cape Cod berm and the 50' wide extension onto the other property since it is for Open Space. The Board also asked that it be added to the Plans. Mr. Gamache said they were waiting for the final reply from Graves.

MOTION I: to continue the Public Hearing to April 26, made by Mr. Desruisseaux. Motion was seconded by Mr. Piccirillo. Motion carried 4-0-0.

Continued from March 22, 2017

2. **FY17-25, 785 Quaker Hwy., Special Permit Application** - The Owner/Applicant of record, **El-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.

The Chair stated that the applicant had requested a continuance.

MOTION I: to continue the Public Hearing to April 26, made by Mr. Desruisseaux. Motion was seconded by Mr. Pavao. Motion carried 4-0-0.



PLANNING BOARD MEETING MINUTES April 12, 2017 continued

Continued from March 22, 2017

3. **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.

The Chair stated that the applicant had requested a continuance.

MOTION I: to continue the Public Hearing to April 26, made by Mr. Desruisseaux. Motion was seconded by Mr. Pavao. Motion carried 4-0-0.

Continued from March 22, 2017

4. **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.

Representing the applicants, Mr. Stephen O'Connell of Andrews Engineering reviewed the application details, stated he spoke with the Fire Chief who wanted at least 20' road width and also that he was okay with Graves suggested modifications. He asked the Board what they would accept for the minimum width and discussed how they would modify the road; all on one side. Mr. Piccirillo stated he took a ride down the road and felt the road was a bit narrow. The Chair felt that it would set a bad precedent to grant a waiver on the road width. Mr. Pavao asked if the area could handle the extra impervious surface of the additional roadway width. Mr. O'Connell stated it would be something that would have to check. The Chair also asked that the bounds be replaced.

Mr. O'Connell outlined the process as follows: Board would have to vote to approve, the work would have to occur, Andrews would update the as-built Plans, and then start the road acceptance process again. Discussion was had regarding who would review the expansion of the road. Mr. Laverdiere spoke with the Board regarding the process of road acceptance.

MOTION I: to continue the Public Hearing to April 26, made by Mr. Desruisseaux. Motion was seconded by Mr. Piccirillo. Motion carried 4-0-0.

5. **FY17-27 Earth Removal Application** - The Owner/Applicant, **Immanuel Corp.**, is seeking an **Earth Removal Permit** to remove 12,000 cubic yards of sand and gravel at **0 Millville Rd**. The property is shown on the Town of Uxbridge Assessor's Map 46 Parcel 2079. The title to said land is recorded in the Worcester District Registry of Deeds Book 4457 Page 201; Property is located in Residence C Zone.

a. 03/31/17 Graves Engineering Review

Representing the applicant, Mr. O'Connell of Andrews Engineering spoke to the Board regarding the project and site. He stated that 0 & 775 Millville Road were made up of two parcels. Proposed earth removal would be on 2.2 acres on the lower, southern side of the project site. Access road comes off Millville Rd and crosses the Boston Edison parcel and then comes into the 0 Millville Road parcel (2079).

Mr. O'Connell also spoke to the Board regarding the 7 comments received from Graves Engineering (3/31/17). Discussion was had regarding the discrepancy between what Andrews showed for grades and what Graves found for grades. He stated that they did use aerial photography from January 2016 and was surprised that from their site inspection that Graves felt there were discrepancies in the topography. Mr. O'Connell stated they were in the process of doing an on-the-ground survey to determine if work had been done that they did not know about and then submit revised Plans.



PLANNING BOARD MEETING MINUTES
April 12, 2017 continued

Mr. Piccirillo asked about the 2014 ZBA permit for only the 775 Millville Rd. portion of the property and asked if extended to the 0 Millville Rd. Mr. O'Connell stated it reference the two parcels; 2079 & 3376.

Mr. O'Connell said while they were only seeking a permit for earth removal at this time, they were aware that there are pending changes to the zoning bylaws in relation to exportation and importation. Mr. Desruisseaux and Mr. Smith expressed interest in doing a site walk of the property.

Mr. O'Connell discussed how aerial photography works. He stated the proposed slope was 2:1. He stated that the gas company is notified of the activity on the site. He stated he would have to do additional homework regarding restoration from the previous year. The last active earth permit was issued in 2014. He also stated he would put together some historical files of the property for the Board.

Mr. O'Connell explained that access is from 775 Millville Rd but that the earth removal activity would take place on 0 Millville Rd., however, Public Hearing notices were given to abutters of both properties.

MOTION I: to continue the Public Hearing to April 26, made by Mr. Desruisseaux. Motion was seconded by Mr. Piccirillo. Motion carried 4-0-0.

6. **FY17-28, Meadow Brook Knoll/Freedom's Way. The Owner/Applicant, Gray Wolf Development Corp./Michael J. Salvador, is seeking a Definitive Subdivision Modification** to have an extension of the time, to March 22, 2020, to complete the project, 16 lots on Freedom's Way, subject to all the same conditions previously approved. The property is shown on the Town of Uxbridge Assessor's Map 20 Parcels 1331, 1361, 1383, 1415, 1445, 2126, 2161, 2169, 2258, 2278, 2288, 536, 564, 629, 678, 681. The title to said land is recorded in the Worcester District Registry of Deeds Books 27478 & 55214 Pages 044 & 346; Property is located in Residence C Zone.

Representing the property owner, Mr. Fred Lapham of Shea Engineering said they were asking for an extension of time to complete the construction of the subdivision. He stated they had a permit extension through the Permit Extension Act but because they did not request that it be extended, the permit lapsed. He stated his reasons for coming to the Board were to ask for a 3 year extension and provide an update of the work completed. A tri-party agreement (no expiration) and Bonding was also confirmed.

One abutter stated he had no issues with the project to date and that his questions had been answered.

MOTION I: to close the Public Hearing made by Mr. Desruisseaux. Motion was seconded by Mr. Pavao. Motion carried 4-0-0.

MOTION II: to grand the extension for Meadow Brook Knoll, Freedom's Way for (3) three years made by Mr. Desruisseaux. Motion was seconded by Mr. Piccirillo. Motion carried 4-0-0.

7. **ARTICLE 17: EXCAVATIONS AND FILLING PROJECTS**

To see if the Town will vote to replace Chapter 181: EXCAVATIONS / FILL of the Uxbridge General Bylaws with Chapter 181: EXCAVATIONS and Chapter 182: FILLING PROJECTS, as attached. Or take any other action relating thereto.

Sponsor: Planning Board

The Chair stated the main purpose of the proposed Article was to separate the Excavation Bylaw from the Importation Bylaw. Mr. Piccirillo gave an overview of the changes. The Board discussed details that were modified/clarified; administration, bond, authority, conditions, violations/penalty, environmental liability, exemptions, LSP working on behalf of the Town as opposed to an active participant of a project, spelled out the permitting process more specifically. No members of the public wished to speak to the Article.

MOTION I: to continue the Public Hearing for Article 18 Excavation/Importation to the next meeting made by Mr. Desruisseaux. Motion was seconded by Mr. Piccirillo. Motion carried 4-0-0.



PLANNING BOARD MEETING MINUTES
April 12, 2017 continued

8. **ARTICLE 18: CITIZEN'S PETITION - AMEND THE ZONING BYLAWS, CHAPTER 400 ARTICLE VII, SECTION 400-32 RETREAT LOTS**

Citizen's Petition

No one was present to speak to the Citizen's Petition.

Mr. Piccirillo stated he was at the FinCom meeting when the Petitioner spoke stating they did not want development in these back lots so they were seeking to increase the frontage requirement. Mr. Desruisseaux explained that Retreat Lots actually curb development in that it allows for one house lot as opposed to a 2 or 3 lot subdivision. Mr. Smith commented that several surrounding Towns also allow retreat lots. No one from the public wished to speak.

MOTION I: to close the Public Hearing made by Mr. Desruisseaux. Motion was seconded by Mr. Piccirillo. Motion carried 4-0-0.

MOTION I: recommend unfavorable action made by Mr. Desruisseaux. Motion was seconded by Mr. Piccirillo. Motion carried 4-0-0.

III. BUSINESS

1. **ARTICLE 16: NON CRIMINAL DISPOSITION**

To see if the Town will vote to amend the General Bylaws of the Town by adding a new Chapter 232 as set forth below, titled "Non Criminal Disposition" for use by certain Town departments, boards, committees, agencies or officers under Massachusetts General Laws 40§ 21 D.

Mr. Piccirillo said that he was personally against it because he felt people would exceed their authority. Mr. Smith stated he felt it would be a useful tool to get people to do what they're supposed to do. Mr. Desruisseaux and the Board discussed pros and cons of the Article.

PH closed on March 22, 2017

2. **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.

The Board reviewed the decision draft. Mr. Smith stated "shall" had been changed to "may" in the Decision language which is to be included as standard language in future Decisions to give discretion to the Board it would give them the option to make a determination whether to grant an extension or require a public hearing. The Engineer for Cote Lane pointed out a grammatical error in the Decision language to be corrected.

MOTION I: to accept the waivers, Attachment 1, Waiver #1 to base the site distance calculations on the design speed of 30 mph instead of 85th percentile, Waiver #2, An Intersection Sight Distance of three hundred one (301) feet to the proposed intersection, Waiver #3 Cape cod berm on the right side of the street and cul-de-sac, except at catch basins, Waiver #4 minimum of 4' of cover over the sewer between the existing sewer and Carney Street and Station 1+50, minimum of two (2) feet of cover over the drain lines at the location of the sewer crossing at station 0+00 and at station 2+50 and modify the Standard Cross Section to utilize a grass swale as part of the street drainage system made by Mr. Piccirillo. Motion was seconded by Mr. Desruisseaux. Motion carried 4-0-0.



PLANNING BOARD MEETING MINUTES
April 12, 2017 continued

MOTION II: to endorse the certificate of approval for Cote Lane with amendment/removal of last sentence in the third paragraph made by Mr. Desruisseaux. Motion was seconded by Mr. Piccirillo. Motion carried 4-0-0.

PH closed on March 22, 2017

3. **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 Tom Reidy spoke to the Board regarding the relocation of the drain line. He stated there would be a letter agreement signed by the Town Manager and the Board of Selectmen as well as the property owners. Cumberland Farms will bear all the expenses. Discussion was had regarding music and audio advertising.

Pursuant to Uxbridge Zoning Bylaw 400-20G, the Planning Board found that the application, with Conditions, met each of the required traffic, environmental, community, and fiscal standards as stated in Findings 1-6. The Planning Board also finds that the application, with Conditions, as a whole, substantially conforms to the intent of the Bylaws and proposes an appropriate and beneficial development to the site.

The Board's Findings were read into record. The Findings included the 6 criteria of a Special permit consisting of social economic and community needs, traffic impact including parking, loading, utilities, public services, Town services and infrastructure, neighborhood character, social structures, natural environment, fiscal impact on town services/tax base/employment. A description of how the project met each of the six criteria was also read into the record.

Seven conditions of Approval were also read into the record including hours of operation. An additional condition was added; Music and audio advertising shall be allowed between the hours of 6:00 a.m. to 9:00 p.m.

MOTION I: made by Mr. Desruisseaux to endorse the Special Permit Application FY17-16, for Cumberland Farms, Inc. located at 124 & 126 N. Main St., 128-130 N. Main St., 4 Hazel St., & 8-10 Hazel St, Uxbridge, MA. , with Finding #7, that the Board finds that the application, with Conditions, meets each of the required traffic, environmental, community, and fiscal standards as stated in Findings 1-6. The Planning Board also finds that the application, with Conditions, as a whole, substantially conforms to the intent of the Bylaws and proposes an appropriate and beneficial development to the site, and Condition #8, music and audio advertising shall be allowed between the hours of 6:00 a.m. to 9:00 p.m. Motion was seconded by Mr. Piccirillo The motion carried 4-0-0.

4. **ANR: FY17-30, 19 Lake Street**

Representing the applicants Angela Ditullio and Matthew Wood, an engineer from Civil Site Engineering LLC stated the intent of the ANR Plan was to combine two pre-existing, non-conforming lots into one parcel.

MOTION I: to endorse the ANR for 19 Lake Street made by Mr. Desruisseaux. Motion was seconded by Mr. Pavao. Motion carried 4-0-0.



PLANNING BOARD MEETING MINUTES
April 12, 2017 continued

5. Revision discussion –Subdivisions Rules & Regs –passed over
6. Master Planning –passed over

IV. MINUTES/MAIL/INVOICES

1. 01/11/17 Meeting Minutes
MOTION I: to approve the Meeting Minutes made by Mr. Piccirillo. Motion was seconded by Mr. Desruisseaux. Motion carried 3-0-1.
2. 02/15/17 Meeting Minutes
MOTION I: to approve the Meeting Minutes made by Mr. Desruisseaux. Motion was seconded by Mr. Piccirillo. Motion carried 3-0-1.
3. 02/22/17 Meeting Minutes
MOTION I: to approve the Meeting Minutes made by Mr. Desruisseaux. Motion was seconded by Mr. Pavao. Motion carried 4-0-0.
4. 03/01/17 Meeting Minutes –executive session
MOTION I: to approve the Meeting Minutes made by Mr. Desruisseaux. Motion was seconded by Mr. Piccirillo. Motion carried 4-0-0.
5. 03/08/17 Meeting Minutes
MOTION I: to approve the Meeting Minutes made by Mr. Desruisseaux. Motion was seconded by Mr. Pavao. Motion carried 4-0-0.
6. 03/22/17 Meeting Minutes –executive session
MOTION I: to approve the Meeting Minutes as amended made by Mr. Desruisseaux. Motion was seconded by Mr. Piccirillo. Motion carried 4-0-1.
7. 03/22/17 Meeting Minutes –PASSED OVER
8. Invoices: **Chairman signed invoices over \$600.00.**
9. Worcester Registry of Deeds Board member/term update form: **Board members signed the annual form sent from the Worcester Registry of Deeds.**

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

VI. ADJOURNMENT: NEXT PLANNING BOARD MEETING, WEDNESDAY, April 26, 2017.

At approximately 9:19 p.m. Mr. Desruisseaux made a motion to adjourn the meeting. Motion was seconded by Mr. Pavao. Motion carried 4-0-0.


Respectfully submitted,

Lynn Marchand
Land Use Administrative Assistant

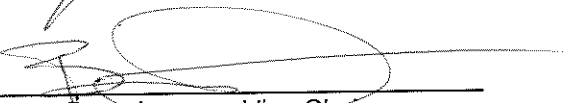


PLANNING BOARD MEETING MINUTES
April 12, 2017 continued

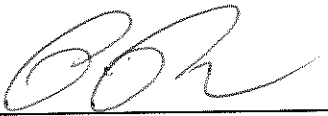
Planning Board Signatures



James Smith, Chairman



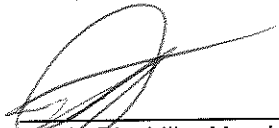
Barry Desruisseaux, Vice-Chair



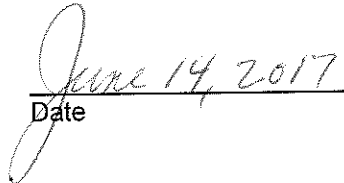
Peter Pavao, Clerk

Absent

Joseph Leonardo, Member



Justin Piccirillo, Member



Date