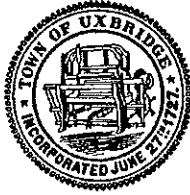


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James Smith, Chair
Barry Desruisseaux, Vice Chair
Joseph Leonardo, Member
Justin Piccirillo, Member
Susan Arena, Alternate Member



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PLANNING BOARD MEETING MINUTES WEDNESDAY July 12, 2017

Minutes of the Uxbridge Planning Board regularly scheduled meeting on **Wednesday, July 12, 2017, at 7:00 P.M.** in the **Board of Selectmen Meeting Room, 21 South Main Street, Uxbridge, MA.**

Present: Chair, James Smith; Vice Chair, Barry Desruisseaux; Member, Joseph Leonardo and Member, Justin Piccirillo; Alternate Member Susan Arena

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.

The Chairman made an announcement that Member Peter Pavao whose occupation as a traffic engineer assisted the Board greatly, had submitted his letter of resignation. He read the following into the record:

II. PUBLIC HEARINGS

Continued from June 28, 2017

1. **FY17-25, 785 Quaker Hwy., Special Permit Application** - The Owner/Applicant of record, **EI-Massih Enterprises, LLC/Fadi EI-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 applicant's engineer submitted a written request to continue the Public Hearing to the following meeting.

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

Continued from June 28, 2017 (site walk)

2. **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.

The applicant's engineer submitted a written request to continue the Public Hearing to the following meeting.

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

III. BUSINESS

1. **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



PLANNING BOARD MEETING MINUTES July 12, 2017 continued

is recorded in the Worcester District Registry of Deeds Book 38887 Pages 369, 367, & 371; Property is located in an Agriculture Zone.

- a. Passed over to the next meeting. No one present to speak to the application.

2. Three Lots Road

- a. The Board signed the approved Plans/Mylars.

3. Master Planning

- a. Mr. Piccirillo presented the Board with revisions to the survey draft and solicited feedback from the Board. Discussion was had regarding the need for better clarification of the questions; more restrictive vs less restrictive, land use impact vs minor expansions, length of time for existing business expansion/how to be business friendly.

4. Subdivision Rules & Regulation revision discussion

- a. Unimproved roads
- b. Private roads

Mr. Smith stated he would work with the Planning Admin. to consolidate and combine the comments and recommendations received.

IV. MINUTES/MAIL/INVOICES

1. 06/23/17 Meeting Minutes –site walk, 0 Millville Rd

MOTION I: to accept the Minutes of June 23, 2017 made by Mr. Desruisseaux. Motion was seconded by Mr. Leonardo. Motion carried 2-0-0.

2. 06/28/17 Meeting Minutes

MOTION I: to accept the Minutes of June 23, 2017 as amended made by Mr. Piccirillo. Motion was seconded by Mr. Desruisseaux. Motion carried 4-0-0.

3. C.M.R.P.C. Invoice: \$3,668.11 for the annual member dues, was reviewed by the Board and signed by the Chairman.

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

1. **Importation application and permit templates:** Recommended revisions: "Type of Material" change to "Type(s) of Material", Change "area excavated" to "area filled", add planning office email to application, include line for owner signature, add business name, address, & email, units of measure to be "tons" and "square ft/acres" respectively, keeping importation and exportation applications and permits separate as they are two different processes.
2. **Board reorganization –passed over**
3. **Central Mass Regional Planning Commission delegate volunteer: Mr. Desruisseaux volunteered. The Board voiced their approval/support.**



**PLANNING BOARD MEETING MINUTES
July 12, 2017 continued**

4. Trowbridge Acres/Bayliss Way

The Chair stated that the Deed Restriction did not fit the criteria of Open Space, as discussed. He indicated his opinion was that it appeared the owner wanted to keep the Open Space for the zoning restriction but still wanted to utilize it as an active farm. The Chair stated Town Counsel would review the documents (Open Space Agreement, Covenant, & Deed Restriction) to see if it met the criteria.

The developer, JLT Development LLC (James Tetreau & Timothy Barlow), stated the covenant's intent was that the Open Space was to be used for Agriculture and to be held in a Land Trust or a Non-Profit and that there is no intent to further develop the area. He stated that the "no more than 10% land use for structures" was language from the Uxbridge Bylaws.

Mr. Piccirillo noted language from the Bylaw that read: *The required open space shall be made subject to a permanent Conservation restriction, enforceable by the Town and providing that such land shall be perpetually retained and maintained in its natural, scenic and open condition, in agricultural or forest use and/or for recreational purposes, as required by the Conservation Design special permit.*

Mr. Leonardo read from the Bylaw (regarding Conservation Design Development) *that any structure built must be to the dedicated use or uses of such open space, including pedestrian walks and bike paths.* He stated that during the Public Hearing, he conceded, allowing the Trust to be held by the Developer, and the continued haying of the field rather than having trees and overgrowth but that he did not agree to anything beyond that, such as structures and other uses of the Open Space. He stated he thought it should be open to the public and that he had a problem with the developer retaining both ownership and use of the land.

Discussion was had regarding the pros and cons of the Open Space being held in Trust; taxes are received as opposed to when it's given to the Town for Conservation Land.

Mr. Smith stated that because there is more than one interpretation of the bylaw, it would be sent to Town Counsel for review. He commented that the Board was only given these documents a few hours before the meeting. It was agreed that they would wait until Town Counsel had reviewed before signing the Mylars and that a possible special meeting could be held to sign them.

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

MOTION I: to adjourn the meeting made by Mr. Desruisseaux. Motion was seconded by Mr. Piccirillo. Motion carried 4-0-0.

The Meeting was adjourned at approximately 7:25 p.m.

Respectfully submitted,

Lynn Marchand
Land Use Administrative Assistant

Planning Board Signatures



PLANNING BOARD MEETING MINUTES
July 12, 2017 continued

Planning Board Signatures

James Smith, Chairman

Joseph Leonardo, Member

Barry Desruisseaux, Vice-Chair

Justin Piccirillo, Member

Susan Arena, Alternate Member

26 July 2017
Date