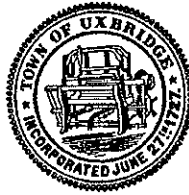


7/c

James Smith, Chair
Barry Desruisseaux, Vice Chair/Clerk
Joseph Leonardo, Member
Justin Piccirillo, Member
Eli Laverdiere, Member
Barry Hauck, Alternate Member



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**PLANNING BOARD MEETING MINUTES
WEDNESDAY
January 10, 2018**

Minutes of the Uxbridge Planning Board regularly scheduled meeting on **January 10, 2018**, at **7:00 P.M.** in the **Board of Selectmen Meeting Room, 21 South Main Street, Uxbridge, MA.**

Present: Chair, James Smith; Member Joseph Leonardo; Member, Justin Piccirillo; Member Eli Laverdiere; Alternate Member, Barry Hauck. Also present: Administrative Assistant, Lynn Marchand

Absent: Vice Chair/Clerk, Barry Desruisseaux

I. CALL TO ORDER
II. PUBLIC HEARINGS

Continued from December 6, 2017; PH opened 4/12/17

- 1. 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 Residential-C Zone.
 - a.** Updated plan -Andrews Survey & Engineering, represented by Mr. Stephen O'Connell, provided the Board with an updated earth removal Plan on behalf of the applicant. He stated originally the Plan showed earth removal proposed in the southerly, south-central portion of the property but then it came to their attention that earth removal and filling had been performed in that area, changing the topography. He stated the property owners did not know that earth removal/filling had occurred in that area. The Board asked who would be doing the excavation and Mr. O'Connell said the Immanuel Corp/Lynch would be performing the earth removal.
Mr. O'Connell identified a different area that the applicant was now proposing to relocate the earth removal proposal to, stating there had been a previous permit for earth removal in that other area, that had expired. He stated there was no proposed work in any conservation areas. Mr. Piccirillo asked about the scope of earth removal in the new proposed area. Mr. O'Connell stated originally the proposal was for 12,000 cubic yards but they were now requesting up to 112,000 cubic yards. He stated he would provide a modification to the submitted paperwork reflecting the changes to the Board and Graves Engineering. He requested a continuation of the public hearing for several months.
Mr. Leonardo expressed his concern regarding outstanding issues in regards to the excavation bylaw requirements prior to any additional earth removal taking place; bond, annual report, grading/leveling/loaming/seeding. Mr. O'Connell stated that the application was submitted prior to the latest revised bylaw but that he would review both for the changes.
Mr. Piccirillo expressed concerns regarding the application and notifications originally being for one address and it now being proposed under a different address and an increase in the scope of the excavation than was originally stated.
The Board reviewed the topography and proposed slopes on the modified site plan. Mr. Smith asked about the property owners excavation in the [New England Power Company] easement. Mr. O'Connell stated it has not been a problem so long as proper notification was given to the utility company.
Mr. Leonardo asked about the flood elevation in the proposed work area. Mr. O'Connell stated the excavation would not go below the 217 feet base flood elevation.
No members of the public were present that wished to speak to the application.



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MOTION I: to continue the public hearing to February 14th made by Mr. Piccirillo. Motion was seconded by Mr. Leonardo. Motion carried 3-0-2. Mr. Hauck and Mr. Laverdiere abstained.

Continued from December 6, 2017; PH opened 12-6-17

2. **FY18-04 Special Permit-** The Owners of record, Newell Road Associates/James D. Schwartz, Uxbridge Realty Dev Tr/George Kurzon, and Blackstone Trust/Joel Kurzon, and the Applicant, ForeFront Power, LLC, are seeking a **Special Permit** to install a four (4) MW AC PV solar electricity generating project. Property is located at **0 Depot St., 0 South Main St., & 25 Newell Rd., Uxbridge, MA**. The property is shown on the Town of Uxbridge Assessor's Maps 25, Parcels 2065, 4434. The title to said land is recorded in the Worcester District Registry of Deeds Books 16649 & 14490, Pages 142 & 163; Property is located in an Industrial Zone, Groundwater Protection Overlay District, and Agricultural Zone.

The applicant submitted a request to continue the public hearing to the next meeting.

MOTION I: to continue the public hearing to January 24th made by Mr. Piccirillo. Motion was seconded by Mr. Leonardo. Motion carried 5-0-0.

III. BUSINESS

**taken out of order after Business Agenda item #10, 175 South Street*

Mr. Laverdiere recused himself.

PH opened 3/22/17; PH closed 6/14/17

1. **FY17-22 Definitive Subdivision 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.

On behalf of the applicant, Andrews Survey & Engineering, represented by Mr. Stephen O'Connell, provided Plan revisions to Graves Engineering for them to review and provide the Board with a Bond amount recommendation. He reviewed the changes the Board had asked for during the public hearing and discussion was had. Mr. O'Connell restated the applicant's modification request: to bring the road up to current standards and to change from a private to public road. Mr. Leonardo expressed concern in regards to the DPW's letter stating no records were found of the inspections when the original road was build. Discussion was had regarding the history of the project and that Lots were released and building permits were given, as support for the road being built to specs. The Board asked for additional evidence that the building of the road was overseen. Mr. O'Connell stated he would do investigative work.

Mr. Smith recused himself. Member Mr. Leonardo filled in as Chairman.

2. **Hecla Village Subdivision, Bentley Dr. & Kieronski Court – Discussion of Determination of Completeness and any actions related thereto.**

- a. Revised As-Built & Road Acceptance Plans
- b. 12/06/17 Plan Review Comment Responses to Graves Eng. & DPW
- c. 12/18/17 Graves Review

Representing the applicant, Mr. O'Connell of Andrews Engineering reviewed the changes on the Plan with the Board; updated/revised roadway as-built Plan, updated location of existing primary electric services, and detailed topography of the detention basin. Discussion was had regarding bituminous concrete and the outlook control structure, which was done to Plan. Discussion was also had regarding mosquitoes and the detention basin design and function.

MOTION I: to provide a Determination of Completeness with respect to Hecla Village Subdivision, Bentley Drive and Kieronski Court with a condition that the DPW reserves the right to re-inspect the project for winter damage and any issues that may arise prior to street acceptance leading



PLANNING BOARD MEETING MINUTES January 10, 2018 continued

into the Town Meetings in 2018 by Mr. Piccirillo. Motion was seconded by Mr. Laverdiere. Motion carried 4-0-0.

Mr. Smith returned to the meeting.

3. **Cobbler's Knoll, discussion and any actions related thereto.**

- a. Covenant/Bond discussion
- b. Open Space Agreement discussion
- c. Recorded Decision discussion

Representing FIKOW LLC, Mr. O'Connell of Andrews Engineering stated they had requested 16 lot releases and Graves had not completed their review of the construction progress in order to prepare the bond recommendation. He provided a copy of the recorded decision. Discussion was had regarding a future Open Space agreement. Conveyance of the open space to a non-profit has not happened yet. Mr. O'Connell provided documentation of what has been done towards establishing the non-profit and the plans for what will be done with the land. Discussion was had regarding a "partial covenant release" and the bond being adequate for the Town to finish the project. The Board wanted a modified Plan showing the phases of the project. The Chair expressed concern regarding giving lot releases/partial covenant release prior to the conveyance of open space; He stated he was against it but would consider it if the Board went that direction for the first phase only; would have to be provided prior to any lot releases during the second phase.

4. **1025-1045 Quaker Hwy –ANR**

Representing the applicant, Mr. O'Connell of Andrews Engineering stated the lot lines had to be reconfigured. He reviewed the Plan with the Board showing the detention basin, leech field, well, building-which is intended to be leased. Ownership will remain with the current owner. The Board also reviewed the setbacks.

MOTION I: to approve the ANR for 1025-1045 Quaker Highway made by Mr. Leonardo. Motion was seconded by Mr. Piccirillo. Motion carried 5-0-0.

The Board signed the Mylar at the end of the meeting.

**taken out of order, heard first under "Business"*

5. **175 South Street, Discussion and any actions related thereto regarding:**

- a. Final grading and leveling (due 10/15/17) UGBL§181-6B
- b. Annual report not received (due 12/11/17) UGBL§181-8A
- c. No inspection by Graves Engineering's (due 11/2017) to verify restoration UGBL§181-8B
- d. Renewal application not received (Expiration 1/11/18)
- e. Cash bond; adjust/increase to comply with current 5/9/17 General bylaw UGBL§181-6E

Representing the property owner, Attorney Henry Lane spoke with the Board. The Chair asked if the owner intended to renew their earth removal permit. Attorney Lane stated no earth removal was performed the previous year, nothing had changed, and there was still 30,000 cubic yards of material to be removed. The Chair asked Attorney Lane to make note on the renewal application that no earth removal occurred the previous year and why the terms of the permit was not complied with; no work performed hence no annual report, leveling/grading, or loaming/seeding. The Board stated when an application was submitted, Graves Engineering would need to verify that no work was done.

Attorney Lane stated it would be difficult to inspect since there is snow on the ground. The Chair stated Graves should have been asked by the applicant to do the [annual] inspection in the Fall to verify no work was done.

Discussion was had regarding whether or not the permit was reinstated. Attorney Lane stated there was discussion about it but was not sure if the reinstatement actually occurred. He stated that he would check to see where it stands, get the Board what it needs, and move ahead.



PLANNING BOARD MEETING MINUTES
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6. PB sponsored 2018 SATM Warrant Article –discussion and any actions related thereto.

- a. Amendment to the Zoning Bylaws Article 9 §400-50H

The Chair explained that the State changed the law regarding Special Permits, allowing 3 years instead of 2, to begin the project. The Warrant Article is to amend the UZBL to match the State Law. Discussion was had regarding proposed Article, "good cause", and reasons for allowing the extension of time.

MOTION I: to sponsor an Article amendment as written made by Mr. Smith. Motion was seconded by Mr. Leonardo. Motion carried 5-0-0.

****Mr. Piccirillo asked to have "Any Other Business" taken out of order**

7. Master Planning -Mr. Piccirillo asked about funding for the survey being added to the budget.

8. Subdivision Rules & Regulations

- b. Private Roads
- c. Unimproved Roads
- d. Updated Figures/Drawings -The Board discussed the updated figures/drawings, 50' turnaround vs 30' turnaround.
- e. Set public hearing -The Board decided to set the public hearing date for the second meeting in February.

IV. MINUTES/MAIL/INVOICES

1. 11/15/17 Meeting Minutes

MOTION I: to approve the 11/15/17 Meeting Minutes made by Mr. Leonardo. Motion was seconded by Mr. Piccirillo. Motion carried 5-0-0

2. 12/06/17 Meeting Minutes

MOTION I: to approve the 12/06/17 Meeting Minutes made by Mr. Leonardo. Motion was seconded by Mr. Piccirillo. Motion carried 5-0-0

3. Invoices (over \$600) -The Chair signed/authorized payment of 1 invoice.

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

****Mr. Piccirillo requested adding an agenda item for the next meeting to discuss putting forth a Warrant Article amending the Retreat Lot Bylaw. He suggested adding language to prevent oddly shaped lots from being created.**

The Board signed the Mylars and paper copies of previously approved ANR's.

VI. ADJOURNMENT: NEXT PLANNING BOARD MEETING, WEDNESDAY, January 24, 2018

MOTION I: to adjourn the meeting made by Mr. Piccirillo. Motion was seconded by Mr. Leonardo. Motion carried 5-0-0.

The Meeting was adjourned at approximately 9:15 p.m.

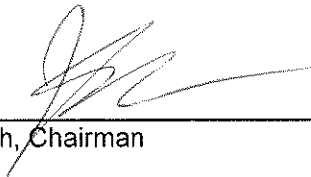
Respectfully submitted,

Lynn Marchand
Land Use Administrative Assistant




PLANNING BOARD MEETING MINUTES
January 10, 2018 continued

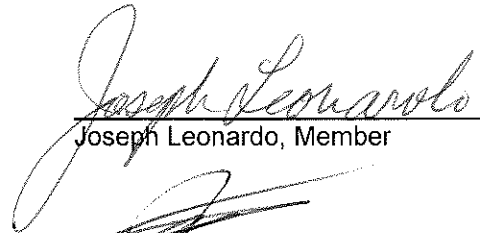
Planning Board Signatures



James Smith, Chairman

Absent

Barry Desruisseaux, Vice-Chair/Clerk


Eli Laverdiere


Joseph Leonardo, Member


Justin Piccirillo, Member

3/28/2018
Date