



Town of Uxbridge  
**Planning Board**  
21 So. Main St.  
Uxbridge, MA 01569  
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Pg. 1 of 3 Pages

Minutes of the Uxbridge Planning Board regular meeting held on Wednesday, **October 25, 2006**, at 7:00 P.M. in the **Board of Selectmen's Meeting Room**, 21 So. Main St., Uxbridge, MA 01569:

**Planning Board Members Present:** Chairman John Morawski, Vice-Chairman Susan Bloomberg, Clerk Debbie Bernier, Peter Petrillo and Stanley Stefanick

**Planning Board Member(s) Absent:** None

**Others Present:** Floyd Forman, Director of Planning and Economic Development and Cheryl Brodeur, Administrative Assistant, Planning and Zoning Boards

The meeting being duly called, properly posted, and a quorum being present, Chairman Morawski called the meeting to order at **7:00 P.M.** Chairman Morawski led the Pledge of Allegiance to the Flag. Both the Finance Committee and the Planning Board opened the Public Hearings on the following Zoning By-law Amendments:

**Public Hearing(s) New:**

**Article 24 (formerly Article S): Zoning By-law Amendment – Townhouse Development:** Chairman Morawski opened the Public Hearing on Article 24. Town Manager Jill Myers introduced the article in an effort to explain why this article is on the warrant. Ms. Myers explained that this article was essentially on the warrant to validate the Carrington Landing development. She went on to explain that Judith Cutler of Kopelman and Paige crafted the article, that it had been in the works for a year and that bringing the article to Town Meeting was the next step in the process. The Town Planner, Floyd Forman, went on to explain that this article would allow townhouse development in the Residence A Zone only with a minimum lot size of 600,000 sq. ft. (13-14 acres), that there was a law suit over Carrington Landing, and that Town Counsel had crafted the article. FinCom Chairman Ed Maharay asked some questions related to where the article came from. Mr. Forman explained that a number of years ago the Planning Board approved a project and calculated the total number and did not put the buildings on multiple lots, leaving all the buildings on one lot. Mr. Forman further explained that this issue arose because there is a law suit against the Town and all of the townhouse owners, a suit involving Henry Lane, Esq. and one of his clients. Floyd Forman said that Judith Cutler would be present at Town Meeting to explain and went on to say that no one wanted to hurt the people of Carrington Landing, and pointed out that there were approximately fifty (50) homes in jeopardy. Town Manager Jill Myers explained that this was a BOS and Planning Board jointly sponsored article as a settlement measure to address litigation and that this was the Town's best option. Several abutters spoke including Phil Wheelock, Gordon Young, Dr. Charles Lutton, and Jean Berthold, expressing concerns about the article. Susan Bloomberg made a motion, seconded by Stanley Stefanick, to close the Public Hearing on Article 24. No vote was taken on the motion. **VOTE ON MOTION TO CLOSE THE PUBLIC HEARING:** The vote on the earlier seconded motion was 5-0-0. Floyd Forman vowed to get a townhouse definition and speak with Town Counsel. Stanley Stefanick made a motion, seconded by Susan Bloomberg, to continue deliberation on Article 24 to 11/08/06. The vote was 5-0-0 in favor of the motion **(Cont. deliberation to 11/08/06)**

**Article 20 (formerly Article L): Acceptance of MGL Ch. 39, Sec. 23D (BOS Sponsored Article):** To see if the Town will vote to accept, for the Planning Board and the Zoning Board of Appeals, the provisions of G.L. c.39, §23D, which provide that a member of a board, committee, or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member's absence from one session of such hearing, provided that certain conditions are met. No one from the general public chose to speak in favor or against the Article. After some discussion, Susan Bloomberg made a motion, seconded by Stanley Stefanick, to close the Public Hearing on Article 20. The vote was 5-0-0 in favor of

the motion. Stanley Stefanick made a motion, seconded by Susan Bloomberg, to recommend Town Meeting take favorable action on Article 20. The vote was 5-0-0 in favor of the motion. **(Recommended favorable action)**

**Article 21 (formerly Article P): Zoning Enforcement:** To see if the Town will vote to amend Section XIII A ENFORCEMENT of the Zoning Bylaw by substituting the words “by the Building Inspector” for the words “by the Board of Selectmen” in the first sentence. No one from the general public chose to speak in favor or against the Article. After some discussion, Susan Bloomberg made a motion, seconded by Deborah Bernier, to close the Public Hearing on Article 21. The vote was 5-0-0 in favor of the motion. Peter Petrillo made a motion, seconded by Deborah Bernier, to recommend Town Meeting take favorable action on Article 21. The vote was 5-0-0 in favor of the motion. **(Recommended favorable action)**

**Article 22 (formerly Article T): Zoning By-law Amendment (BOS Sponsored Article):** To see if the Town will vote to amend the Town of Uxbridge Zoning Bylaws by (a) adding the following new subsection 5 to the list of permitted uses under Section VII. D. Business:

Shopping center consisting of a group of two or more of the uses listed above in subsections 1 through 4, which are located in one or more buildings on a single lot, and which are developed and managed under a common plan for the premises.

And (b) renumbering the existing subsections 5, 6 and 7 in Section VII.D to 6, 7 and 8 respectively. Town resident, Stephen O’Connell spoke in opposition to the Article. Susan Bloomberg made a motion, seconded by Stanley Stefanick, to close the Public Hearing on Article 22. The vote was 5-0-0 in favor of the motion. Susan Bloomberg made a motion, seconded by Deborah Bernier, to recommend Town Meeting take favorable action on Article 22. The vote was 5-0-0 in favor of the motion. **(Recommended favorable action)**

**Article 23 (formerly Article U): Expedited / Streamlined Permitting Process for Commercial Projects (BOS Sponsored Article):** To see if the Town will vote to accept the provisions of chapter 43D of the MA General Laws as amended pursuant to Section 11 of chapter 205 of the acts of 2006, or take any other action in relation thereto. Atty James Roberti, a non-resident, asked for the Board’s permission to speak on the Process. Atty. Roberti delivered a document to the Board members entitled “Chapter 43D Expedited Permitting” (Exhibit “A” attached) and a second document entitled “Expedited Permitting Questions and Answers (Exhibit “B” attached). After much discussion, including input from Selectmen Jim Dwyer and local business owner, Barry Desruisseaux, Susan Bloomberg made a motion, seconded by Stanley Stefanick, to close the Public Hearing on Article 23. The vote was 5-0-0 in favor of the motion. Susan Bloomberg made a motion, seconded by Deborah Bernier, to continue deliberation on Article 23 to 11/08/06. The vote was 5-0-0 in favor of the motion. **(Cont. deliberation to 11/08/06)**

**Article 25 (formerly Article V): Special Land Use Overlay District – Historic Mill Adaptive Reuse Overlay District (Bernat Mills):** Mark Anderson of Heritage Design Group represented the petitioner, Capron Corp. and presented the Board members with a document which contained the verbiage of the Article and a cost / benefit analysis (Exhibit “C” attached). Mr. Anderson reviewed the cost / benefit analysis with the Board. One resident, Stephen O’Connell, spoke in opposition to the Article. Susan Bloomberg made a motion, seconded by Stanley Stefanick, to close the Public Hearing on Article 25. The vote was 5-0-0 in favor of the motion. Stanley Stefanick made a motion, seconded by Peter Petrillo, to recommend Town Meeting take favorable action on Article 25. The vote was 4-1-0 in favor of the motion, with Susan Bloomberg casting the one dissenting vote. **(Recommended favorable action)**

**Article 26 (formerly Article W): Renumbering / Revision of Town Zoning By-laws:** Town resident and By-law Review Committee Chairman, Danny Baker, spoke to the Board and the Finance Committee on the benefits of this Article. He presented the Board members with a document entitled “Changes to Town of Uxbridge Zoning By-laws” (Exhibit “D” attached). Both Planning Board and Finance Committee members acknowledged the tremendous due diligence of the BRC. The ensuing discussion revealed that the By-laws had not been merely codified but in some cases had been changed. Susan Bloomberg made a motion, seconded by Deborah Bernier, to continue the Public Hearing on Article 26 to 11/08/06. The vote was 5-0-0 in favor of the motion. **(Cont. Public Hearing to 11/08/06)**

**Old / New / Other Business:**

**Article 17 (formerly Article K): Street Acceptances:**

- A. Cotton Mill, Crownshield, Spinning Wheel:** These streets were already approved by Town Meeting but were never recorded. They are currently retained by the Town and pose no problem. Paul Donahue of Spinning Wheel Drive expressed some concerns.
- B. Southwoods / Arnold Way:** These streets were very well done.
- C. All other streets under consideration:** The recommendation of the Director of Planning and Economic Development was to continue this discussion to 11/08/06 to get a complete recommendation from the Assistant DPW Superintendent, Irving Priest.

Susan Bloomberg made a motion, seconded by Deborah Bernier, to continue the discussion of Article 17 to 11/08/06. The vote was 5-0-0 in favor of the motion. **(Continue discussion to 11/08/06)**

**At this juncture, the Finance Committee adjourned to the Lower Town Hall to continue their meeting.**

**Discussion with Floyd Forman, Director of Planning and Economic Development:** Mr. Forman indicated that the Summerfield at Taft Article would be on the warrant for an 11/21/06 Special Town Meeting within the 11/21/06 Fall Annual Town Meeting.

**Adjournment:** Susan Bloomberg made a motion, seconded by Deborah Bernier, to adjourn. The vote was 5-0-0 in favor of the motion. The meeting adjourned at 10:45 P.M.

John Morawski, Chairman	Date

Susan Bloomberg, Vice Chairman	Date

Deborah Bernier, Clerk	Date

Peter Petrillo	Date

Stanley Stefanick	Date