



Town of Uxbridge
Planning Board
21 So. Main St.
Uxbridge, MA 01569
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Minutes of the Uxbridge Planning Board regular meeting held on Wednesday, **February 21, 2007**, at 7:00 P.M. in the **Board of Selectmen's Meeting Room**, 21 So. Main St., Uxbridge, MA:

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

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

Other(s) Present: **Floyd Forman, Director of Planning & Economic Development and Cheryl Brodeur, Admin Asst, Planning / Zoning Boards**

Others Absent: **None**

The meeting being duly called, properly posted, and a quorum being present, Chairman Bloomberg called the meeting to order at **7:00 P.M.**

NEW MEETING:

81P(s):

"Plan of Land, 15 Henry St., Uxbridge, MA, owned by Estate of Marsha Misiaszek", prepared by Andrews Survey & Engineering and dated 09/22/06, Revised 02/05/07: Rick Hathaway of Andrews Survey and Engineering represented the applicant and explained that he had been to the Planning Board with the unrevised earlier Plan and that his client elected to Withdraw Without Prejudice. Mr. Hathaway explained that he'd subsequently been to the ZBA for a Variance (per the Planning Board's earlier request) on the applicant's behalf and gave the Board members a copy of the Decision to grant the Variance (**Exhibit "A" attached**). **Peter Petrillo** made a motion, seconded by **John Morawski**, to endorse the above referenced Plan. The vote was **5-0-0 in favor** of the motion. A brief discussion ensued on whether or not the applicant should pay a second 81P Application Fee --- 3 out of 5 members supported collecting a new fee. Mr. Hathaway indicated he would get same to the Board. (**Action: CAB: Follow up on check from Andrews**)

"Plan of Land on Hazel St. in Uxbridge, MA, owned by Bangma's Farm, LLC", prepared by Andrews Survey & Engineering and dated 01/22/07: The applicant, Dale Bangma, was present and represented Bangma's Farm, LLC. **John Morawski** made a motion, seconded by **Peter Petrillo**, to endorse the above referenced Plan. The vote was **5-0-0 in favor** of the motion. (**Action: CAB: Follow up on check from Andrews**)

Discussion with Floyd Forman, Dir. of Planning & Development: Mr. Forman explained to the Board members that when Cheryl Brodeur collected data for the Attorney General in support of the Special Town Meeting Zoning Articles, she discovered that the Worcester Telegram and Gazette erred in the advertising of three public hearings: one of the Zoning Articles, the Aldrich Brook Estates Conservation Design Definitive, and the Meadow Valley Estates Definitive. He indicated that he contacted the AG's office to find out how best to handle the Zoning Article and that he contacted Kopelman and Paige to get their opinion on the erred advertisement of the two subdivisions. Mr. Forman said that K&P opined that, owing to a number of circumstances, it would be difficult for someone to successfully argue that they were not sufficiently noticed on the subdivision public hearings (See Judith Cutler's 02/21/07 attached email shown as **Exhibit "B"**). The admission of the Worcester Telegram and Gazette's error is also attached (**Exhibit "C"**). The Aldrich Brook Estates applicant and his representative, after considering the facts, decided to re-advertise (at the WT&G's expense) their definitive with hopes of being on the 03/28/07 meeting agenda for a quick opening and closing of the public hearing and a quick vote on the plan.

Old / New Business:

Aldrich Brook Conservation Design Definitive – Sign Mylars: As a result of the preceding discussion, the applicant and his representative opted to await the new public hearing and postpone the signing of the mylars. The applicant was assured that no further fees would be collected for this plan --- both the application fee and the engineering review fee would be waived on the re-filing.

Public Hearing(s) Continued:

Meadow Valley Estates Definitive Plan (Cont. from 01/24/07): The applicant, Jim Smith of Trees to Keys, and his representative, Mike Dryden of Heritage Design Group, considered their options. Please see this item later on the minutes where a decision is made.

Mill On West River Pond Special Permit (Cont. from 01/24/07): Rob Josephs of Uxbridge, LLC, his engineering representative, Mark Anderson of Heritage Design Group, and his legal representative, Gerald Lemire, were all present. Atty. Lemire recommended that his client and the Board members back up and start over with the project and expressed appreciation to Floyd Forman and Cheryl Brodeur. Mr. Anderson proceeded to present architectural renditions and spoke to the positive characteristics the buildings would bring to the surrounding neighborhood. He indicated that the developer tried to take the most attractive aspects of local historic structures to reflect the character of the old buildings. He spoke of a 4-story building above a parking garage with 20% of the units built as 1-bedroom units and 80% built as 2-bedroom units. As regards the height issue, Mr. Anderson indicated that his client needed to speak with the Building Inspector to verify that this met zoning requirements. Re: Recreational Amenities: Mr. Anderson indicated that the proponents of the project met with the Conservation Commission and said that the triangle dam area with the dam and the sleuth way provided a beautiful natural setting for passive recreation and mentioned a canoe / kayak launch that would be clean and safe and a tie-in to Pout Pond, River Bend Farm, Legg Farm and the Voss Visitor Center. He indicated that the proponent was willing to donate land for a sidewalk on West River Rd. Mr. Forman recommended that someone on the proponent's team should attend the Heritage Landscape Inventory Project presentation on 03/01/07. Mr. Anderson indicated that there was no intention on the part of the proponent to remove the dam. He went on to say that the Conservation Commission wants the dam to remain and that the US Army Corps of Engineers would like it removed. He further indicated that he planned to go back to the same company who did the earlier (1998) dam assessment and that he was awaiting a quote. Phil Paradis of BETA Group Engineering mentioned the following items that need addressing: 1.) parking; 2.) the project's tie-in with sewers; 3.) utilities crossing the leeching system; and 4.) drainage on the North parcel. Mr. Forman cited the following: sight distance issues associated with the "S" curve at the Italian American Club and mentioned that parking issues would be discussed / handled at the 02/28/07 meeting. Mark Boudreau and Harry Romasco spoke favorably of the project. **John Morawski** made a motion, seconded by **Stanley Stefanick**, to continue the Public Hearing on this matter to 02/28/07 with Parking as the topic of discussion. The vote was **5-0-0 in favor** of the motion. (Cont. PH to 02/28/07 – Parking Discussion)) (DRD = N/A)

King Street Estates Definitive Plan (Cont. from 01/24/07): Mark Anderson of Heritage Design Group represented the applicant and indicated that he and his client had addressed all of the comments (engineering and DPW) and that the project had received unanimous approval from the Conservation Commission. Chairman Bloomberg indicated that the Board could not do an adequate review on this project tonight because the Board received two Plan revisions within two days and that such was received outside of the two week minimum required by the Board and asked that Mr. Anderson supply a set of seven (7) 02/09/07 small plans for the Board members. Abutter Mark Boudreau indicated that he felt that the new revision was vastly different than the original plan and that most of his concerns had been addressed. The only remaining concern he raised regarded drainage pipes crossing over the gas pipe line. Kevin Aguiar of BETA Group spoke to the inability to comment quickly enough when revisions were received two days apart. Abutter Donna Gomes expressed concerns over the road location. **Stanley Stefanick** made a motion, seconded by **Deborah Bernier**, to grant the applicant's request to extend the time within which the Planning Board must render a decision on this matter to 04/30/07. The vote was **5-0-0 in favor** of the motion. **Stanley Stefanick** made a motion, seconded by **Peter Petrillo**, to continue the Public Hearing on this matter to 03/14/07. The vote was **5-0-0 in favor** of the motion. (Cont. PH to 03/14/07) (DRD = 04/30/07)

The Chairman declared a five minute break.

Quaker Industrial Park II Definitive Plan Modification (Cont. from 01/24/07) & Cnossen LTI Corp. / Unilock Special Permit (Cont. from 01/24/07): Mark Anderson of Heritage Design Group expressed hope that the Board would be rendering decisions tonight on both projects. Floyd Forman, Director of Planning and Economic Development directed the attention of the Board members to the two draft decisions he had provided for them. He reminded them that the Board members voted on two earlier waivers on the **Quaker Industrial Park II Definitive Plan Modification** but that they still had to deal with a third waiver, the issue of waiving the requirement for underground utilities. Irving Priest, DPW Assistant Superintendent, told Mr. Forman that he was comfortable with the Board granting this waiver because the rest of the industrial park was constructed with overhead utilities. **Stanley Stefanick** made a motion, seconded by **John Morawski**, to grant Waiver #3 (waiving Section 5.D.3 which requires underground utilities). The vote was **5-0-0 in favor** of the motion. **John Morawski** made a motion, seconded by **Stanley Stefanick**, to grant Waiver #2 (waiving Section 3 which requires submission of a preliminary plan for an Industrial subdivision). The vote was **5-0-0 in favor** of the motion. **Peter Petrillo** made a motion, seconded by **John Morawski**, to grant Waiver #1 (waiving Section 5.C.8 which requires Sloped Granite Curbing and allowing Cape Cod Berm instead). The vote was **4-1-0 in favor** of the motion, with **Deborah Bernier** casting the one dissenting vote. **Peter Petrillo** made a motion, seconded by **Stanley Stefanick**, to close the Public Hearing on the Quaker Industrial Park II Definitive Plan Modification. The vote was **5-0-0 in favor** of the motion. **John Morawski** made a motion, seconded by **Peter Petrillo**, to MODIFY an approved definitive subdivision plan currently entitled "**Quaker Industrial Park II Modified Subdivision Plan in the Town of Uxbridge**" with the "Draft" Conditions of Approval and the three (3) associated waivers, designed by Heritage Design Group, dated July 28, 2006, most recent revision October 2, 2006, submitted by Cnossen Realty Trust for property owned by same. The vote was **5-0-0 in favor** of the motion. **Peter Petrillo** made a motion, seconded by **John Morawski**, to close the Public Hearing on the **Cnossen LTI Corp. / Unilock Special Permit**. The vote was **5-0-0 in favor** of the motion. **John Morawski** made a motion, seconded by **Peter Petrillo**, to grant the **Cnossen LTI Corp. / Unilock Special Permit** with conditions on a Site Plan entitled "Unilock of Boston Facility Expansion Site Plan", designed by Heritage Design Group, dated May 16, 2006, most recent revision December 29, 2006, submitted by Cnossen Long Term Investment Corp. for property owned by same. A roll call vote was taken and the vote was **5-0-0 in favor** of the motion. (**Action: FF to file both decisions with the Town Clerk**)

Public Hearing(s) Continued:

Meadow Valley Estates Definitive Plan (Cont. from 01/24/07): The applicant, Jim Smith of Trees to Keys, and his representative, Mike Dryden of Heritage Design Group, decided to move forward with their subdivision (in spite of the newspaper advertising error) and accept any risks under the current filing particularly in light of the proposed subdivision rules and regs changes that might occur later this evening. Mr. Dryden explained that he believes Heritage addressed all comments from BETA and DPW including stopping sight distance. Floyd Forman reminded Mr. Dryden that there were still some steep slopes on the project. Mr. Forman recommended that this matter be continued to the first meeting in March and Chairman Bloomberg reminded the Board members that the current decision rendering date is 02/28/07 and needs to be extended, therefore, past the 03/14/07 meeting date. **Stanley Stefanick** made a motion, seconded by **John Morawski**, to grant the applicant's request to extend the time within which the Planning Board must render a decision on the Meadow Valley Estates Definitive Plan to 03/19/07. The vote was **5-0-0 in favor** of the motion. **Stanley Stefanick** made a motion, seconded by **John Morawski**, to continue the Public Hearing on this matter to 03/14/07. The vote was **5-0-0 in favor** of the motion. (**Cont. PH to 03/14/07**) (**DRD = 03/19/07**)

Public Hearing(s) New:

Changes to Subdivision Regulations: Centerline Offset: Floyd Forman suggested that the Board put off their discussion on the Intersection Sight Distance matter until Kien Ho of BETA Group Engineering can discuss with the Board members next week but that the Board should deal with the Centerline Offset issue tonight. Chairman Bloomberg opened the Public Hearing on the change to Town of Uxbridge Subdivision Rules and Regulations Section 4.A.1.e. (Centerline Offsets). Chairman Bloomberg drew the attention of the Board members to Existing Section 4.A.1.e.: “Street Jogs with centerline offsets of less than one hundred and twenty-five (125) feet should be avoided.” and Proposed Section 4.A.1.e.: “Street jogs shall have a minimum centerline offset of one hundred and twenty-five (125) feet.” Audience member, Tom Bentley, asked why the Board wanted to change this section. Mr. Forman explained that this change would require effort to align streets and allow at least 125 ft. for making turning motions. **John Morawski** made a motion, seconded by **Stanley Stefanick**, to close the Public Hearing on the change to the Town of Uxbridge Subdivision Rules and Regs Section 4.A.1.e. The vote was **5-0-0 in favor** of the motion. **John Morawski** made a motion, seconded by **Stanley Stefanick**, to approve the change of language of Section 4.A.1.e. of the Town of Uxbridge Subdivision Rules and Regulations as proposed above. The vote was **5-0-0 in favor** of the motion. **(Action: Amendment passed – FF to update Subdivision R&Rs)**

Changes to Subdivision Regulations: Intersection Sight Distance: Chairman Bloomberg opened the Public Hearing on the change to the Town of Uxbridge Subdivision Rules and Regs re: Intersection Sight Distance for the purpose of continuing the Public Hearing to 02/28/07. **John Morawski** made a motion, seconded by **Stanley Stefanick**, to continue the Public Hearing on this matter to 02/28/07. **(Cont. PH to 02/28/07)**

Spaulding Way Definitive Plan: Chairman Bloomberg opened the Public Hearing on the Spaulding Way Definitive Plan. Mr. Forman indicated that he had a brief discussion with Scott Medeiros of Andrews Survey and Engineering re: the definition of subdivision in our bylaws being two (2) or more lots (owing to that point being made in a letter from BETA Engineering) and indicated that the applicant should be going to the ZBA and seeking a Variance, rather than subdividing. Mr. Forman indicated he would look at the Subdivision Rules and Regs for definitions before the next meeting. Mr. Medeiros indicated that legal precedence shows that this has been done on numerous occasions in numerous communities using a roadway as a lot on its own. **Peter Petrillo** made a motion, seconded by **John Morawski**, to grant the applicant’s request to continue the Public Hearing on this matter to 03/14/07. The vote was **5-0-0 in favor** of the motion. **(Cont. PH to 03/14/07) (DRD = 04/18/07)**

Wanda Way Definitive Plan: Chairman Bloomberg opened the Public Hearing on the Wanda Way Definitive Plan. Steve O’Connell of Andrews Survey and Engineering represented the applicant, Paul Stoico of B&B Associates and indicated to the Board that the applicant had a lengthy waiver request list. The attention of the Board members was drawn to comments from the Board of Health and the Conservation Commission. Mr. Forman indicated that there was no major review from BETA Group Engineering. Discussion ensued on showing that a roadway can be built, whether or not one of the lots qualified as a corner lot, ConComm approval of wetlands, a discrepancy between the narrative and the actual plans, and the extensive waiver request list. An abutter to the project, a police officer named Rich Perry, cited intersection, wetlands and stormwater runoff issues. Atty. Lemire agreed that this was an intersection of accident issues but not for land use. Mr. Forman suggested that Board members take a ride over to the site to take a look at the issues. **Stanley Stefanick** made a motion, seconded by **John Morawski**, to continue the Public Hearing on this matter to 03/14/07. The vote was **5-0-0 in favor** of the motion. **(Cont. PH to 03/14/07) (DRD = 05/05/07)**

Old / New Business:

LaChapelle Ln. Definitive – Sign Mylars: **John Morawski** made a motion, seconded by **Stanley Stefanick**, to endorse the LaChapelle Lane Definitive Subdivision Plan. The vote was **5-0-0 in favor** of the motion. **(Action: Mylars were endorsed)**

Discussion with Floyd Forman, Dir. of Planning & Development:

Saver’s Bank: Floyd Forman told the Board members that Kien Ho of BETA Group Engineering will be in attendance at next week’s Planning Board Meeting for this discussion. Mr. Forman went on to say that

he and DPW Superintendent Larry Bombara met with Atty. Henry Lane, legal counsel for Saver’s Bank, and Atty. Lane told them that the bank officials were to meet and come to some conclusion on what they were about to do. Mr. Forman indicated that a fax came in from Atty. Lane at 5:00 P.M. this day and that he therefore had no time to review the contents of the fax before the meeting. Mr. Forman recommended that this subject be continued to the next agenda. (Cont. discussion to 02/28/07)

Article for Town Meeting - Associate Member for PB (Special Permits): Mr. Forman indicated that the Board members understood the issue at hand and the Board indicated they were in support of drafting such an article. **Stanley Stefanick** made a motion, seconded by **Deborah Bernier**, to authorize Floyd Forman to draft an article for Town Meeting regarding the addition of an associate member to the Planning Board. The vote was **5-0-0 in favor** of the motion.

Master Plan: Mr. Forman explained that the Town Manager anticipated the Master Plan be worked on in FY09. He went on to say that the Capital Planning Committee took the issue to the Finance Committee asking that the Planning Board fund a Master Plan. Mr. Forman reminded the Board members that there is a lot more involved with a Master Plan than merely financing one. He went on to say that the Planning Board needs to pass along requirements to other Boards. He said that MGL makes the Planning Board the point board for the Master Plan. Mr. Forman went on to say that the Town really needs a Master Plan but that the Planning Board already faces a major project in the Special Permit for the mall at 146 and 16. He went on to say that people are crucial, money is crucial, and that this will be a long term process and that the Town needs to work with someone familiar with this area. Mr. Forman indicated that he planned to speak with FinCom about the article and what FinCom envisions. Stanley Stefanick indicated that he supported seeking the funding and Deborah Bernier indicated that she supported same but reminded everyone that the Board needs support from people as well as from the dollars.

Old / New Business:

Arbor Estates Lot Releases (Lots 1, 2, 3, 16, and 17): **Stanley Stefanick** made a motion, seconded by **John Morawski**, to release Lots 1,2,3, 16 and 17 of the Arbor Estates Subdivision. The vote was **5-0-0 in favor** of the motion.

Anderson Estates – Dew Lane – Release of Funds: Discussion on this item was continued to 02/28/07. (Action: Cheryl: Add to 02/28/07 PB Mtg. Agenda)

Accept & Endorse Meeting Minutes, Sign Invoices, Review Mail, Miscellaneous

12/27/06 PB Mtg. Min.: **John Morawski** made a motion, seconded by **Stanley Stefanick**, to accept as written and endorse the 12/27/06 Planning Board Meeting Minutes. The vote was **4-0-1 in favor** of the motion, with Susan Bloomberg casting the one dissenting vote. (Endorsed)

Adjournment: **John Morawski** made a motion, seconded by **Stanley Stefanick**, to adjourn. The vote was **5-0-0 in favor** of the motion. The meeting adjourned at **11:15 P.M.**

Susan Bloomberg, Chairman

Date

Deborah Bernier, Vice-Chairman

Date

Stanley Stefanick, Clerk

Date

John Morawski, Member

Date

Peter Petrillo, Member

Absent