



Town of Uxbridge
Planning Board
21 So. Main St.
Uxbridge, MA 01569
(508) 278.8603

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Minutes of the Uxbridge Planning Board regular meeting held on Wednesday, **May 23, 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 Deborah Bernier, Vice-Chairman John Morawski, Clerk Stanley Stefanick, and Members Peter Petrillo and Chuck Lutton**

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

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

Other(s) Absent: **None**

The meeting being duly called, properly posted, and a quorum being present, Chairman Bernier called the meeting to order at **7:11 P.M.** and opened with the Pledge of Allegiance.

81P(s):

“Plan of Land for Property on #558 and #564 Elmwood Ave. for Jeffrey G. King and James & Diane L. King, Uxbridge, MA”, prepared by Andrews Survey & Engineering, Inc., dated 04/06/07: Steve O’Connell of Andrews Survey & Engineering represented the applicants and explained to the Board members that the proposal being considered had to do with a father and son swapping some land. Floyd Forman told the Board members that there was no reason not to sign the Plan because the Town does not have a lot shape factor by-law and expressed his hope that the Town one day would reconsider adopting one. **John Morawski** made a motion, seconded by **Stanley Stefanick**, to endorse the subject ANR / 81P Plan. The vote was **5-0-0 in favor** of the motion. **(Action: Plan endorsed – CAB to disseminate copies)**

Old / New Business:

PB Budget: Floyd Forman told the Board members that he, PB Chairman Deborah Bernier, and ZBA Chairman Ernie Esposito met with the Town Manager to discuss the budget as a result of last Friday’s Department Head Budget Meeting and the across the board 12% reduction brought forward should the Prop 2.5 override not pass. He told the members that it was the Town Manager’s recommendation to temporarily make the cuts from the secretarial fund and that she supports both the Planner and Planning secretarial roles. Stanley Stefanick indicated that he would like his own copy of the PB budget and Mr. Forman indicated that he would email it to the Board members. There was some limited discussion centering on what budget originally went to Town Meeting. **(Action: FF to email 12% reduction budget to the PB members)**

Change in Date of First June Planning Board Meeting: A brief discussion ensued reminding Board member that they had voted at their last meeting to change the date of their first Planning Board meeting from Wednesday, 06/13/07 to Tuesday, 06/12/07. **(Action: CAB post 06/12/07 meeting)**

Anderson Estates – Dew Ln. – Request for Release of Performance Guarantee (+/- \$4225): Wendy White, the developer of Anderson Estates, and her legal representative, Atty. Gerald Lemire, were present. Atty. Lemire explained to the Board members that the street was accepted by Town Meeting in 2003 or 2004 and that her bond or surety should have been returned at the time. Atty. Lemire indicated it was only a small sum that she was seeking and that the Town had to release this sum within 45 days of street acceptance. Floyd Forman provided the Board members with a little historic background on street taking. He told the members that the former Town Manager, Allan Klepper, was adamant about taking streets. He went on to say that because the bounds were not in, the road was not ready to go at the time. Further, he said, the DPW memo was re-sent to the Town Manager, indicating some approximately \$3,600 worth of work that should be performed before the street was taken. He went on to say that the street was taken by

Town Meeting nonetheless. Mr. Forman explained to the Board members that once a street is taken by Town Meeting that the prior owner(s) of the street need to provide a deed easement to record at the Registry of Deeds and that to his knowledge this was never done. Mr. Forman further explained that Mark Anderson of Heritage Design Group is still waiting for some \$1,600 from Ms. White by way of these sums held with the Town and that the remaining balance should be retained by the Town for re-acceptance of the street by Town Meeting. Mr. Forman then explained that it is the Board of Selectmen who tell town counsel to record the street and, that if there is no recordable instrument, town counsel is unable to record. He went on to say that Mark Anderson did the "as built" plans and that the outstanding issues were the bounds and the issues to be taken care of. Atty. Lemire indicated that he did not know how this matter got to where it is and said that if the warrant article was approved then the street was accepted and suggested that it was the Town's fault that the street was never recorded. Chairman Bernier noted that the developer needs to give the Town the gift of easement and reminded everyone that the residents who live on this street do not reside on a Town-accepted street. Atty. Lemire commented that his client would file suit if necessary. Vice-Chairman Morawski said that if the Town did not receive the deed, the Town could not record it. Atty. Lemire indicated that he / his client would bring the instrument to the next meeting. Floyd Forman indicated that this was not done in the Town's required timeframe and that he would send the Street Acceptance Policy to the Board members. Peter Petrillo suggested that Ms. White had never been notified. Vice-Chairman Morawski suggested that Town Counsel be approached to opine on whether or not Town Meeting's vote (of street acceptance) means the street is accepted and done. Floyd Forman postured that Vice-Chairman Morawski's suggestion was probably the best offered, i.e., ask Kopelman and Paige what the Board should do. **John Morawski** made a motion, seconded by **Stanley Stefanick**, to authorize Floyd Forman to contact Town Counsel for an opinion on this issue. The vote was **5-0-0 in favor** of the motion. **John Morawski** made a motion, seconded by **Stanley Stefanick**, to tentatively place this matter on the 06/12/07 PB Meeting Agenda. The vote was **5-0-0 in favor** of the motion. **(Action: FF contact K&P for opinion / CAB tentatively place on 06/12/07 PB Mtg. Agenda)**

Public Hearing(s) New:

Meadow Valley Estates Definitive Subdivision Plan (Opening 05/23/07) (DFD = 09/01/07): Chairman Bernier recused herself from this discussion. Vice-Chairman Morawski served as acting Chairman in Ms. Bernier's absence. Acting Chairman Morawski opened the Public Hearing on this matter. The applicant, Jim Smith of TTK Realty, and his legal representative, Atty. Robert Knapik, were present. Atty. Knapik provided a brief overview of the events that led to the new filing and new Public Hearing on this previously approved plan. He told the Board members that the Plan was submitted last Autumn, that the Public Hearing was opened, that the technical comments were reviewed, that the Public Hearing was subsequently closed, and a decision was about to be rendered when it was discovered that a parcel not originally considered as part of the plan (added to relocate the subdivision roadway) now was a part of the plan and that abutters to this additional parcel had never been noticed. Atty. Knapik explained that all the technical issues of the plan were resolved and that this process was merely procedural cleansing. Floyd Forman postured that since the nearly approved plan was never recorded, it was as if there was an on-going Public Hearing that started in the Fall. There were no Board questions. One abutter, Robert Johnson, indicated that he was a newly noticed abutter. Mr. Johnson expressed concerns over traffic, safety, the proximity to Blissful Meadows Golf Course, the corner, school bus traffic, and water issues. Cheryl Brodeur asked whether Chuck Lutton should vote on this matter and the opinion proffered was that it would be better to err on the side of caution than not, and that Mr. Lutton should probably abstain from voting. Acting Chairman Morawski reminded the Board members that this project was already reviewed for traffic issues, drainage issues, etc., and that the Plan met all the subdivision control requirements and that by way of the newspaper legal notice everyone in the Town was noticed. He went on to say that when the first Public Hearing was held the Town's engineering review firm provided comments and that the Plan met the Planning Board's satisfaction. The lone abutter lamented that he'd wasted his time and Acting Chairman Morawski explained to him that providing an applicant meets all the requirements for subdivision, including storm water requirements, lines of sight requirements, etc., that the applicant is entitled to subdivision approval. He went on to say that the new parcel in question was purchased after the original plan was brought forward to meet the Planning Board's requirements. Atty. Knapik indicated that he and his client would be

happy to meet with Mr. Johnson to explain but Mr. Johnson declined the offer. Jim Smith postured that prior to subdivision consideration, there were three house lots with three driveways and that the subdivision involved adding two lots with residents of 5 homes exiting from one driveway (the subdivision roadway) and went on to say that he was trying to improve the neighborhood by reducing the number of driveways onto Chockalog Rd. **Peter Petrillo** made a motion, seconded by **Stanley Stefanick**, to grant a waiver from Section 4.4.d (the requirement for a 50 ft. wide right-of-way extension). The vote was **3-0-1 in favor** of the motion, with Chuck Lutton casting the one abstaining vote. **Peter Petrillo** made a motion, seconded by **Stanley Stefanick**, to close the Public Hearing on this matter. The vote was **3-0-1 in favor** of the motion, with Chuck Lutton casting the one abstaining vote. Acting Chairman Morawski asked Mr. Forman if the decision bore all the standard conditions and Mr. Forman indicated that it did. **Peter Petrillo** made a motion, seconded by **Stanley Stefanick**, to approve a definitive subdivision plan entitled "Meadow Valley Estates, A Definitive Subdivision Plan in the Town of Uxbridge, MA, designed by Heritage Design Group, dated August 1, 2006, most recent revision April 20, 2007. The vote was **3-0-1 in favor** of the motion, with Chuck Lutton casting the one abstaining vote. (Action: **FF edit decision & file w/ T.C.**)

Ms. Bernier resumed her chairmanship of the meeting.

Discussion with Floyd Forman, Director of Planning & Economic Development:

Savers Bank Special Permit: Mr. Forman told the Board members that Traffic Systems is doing the work and that they were out there yesterday to begin the process. Peter Petrillo asked if anyone looked at forbidding a left hand turn exiting the Savers Bank parking lot. John Morawski indicated that someone should have a count on left hand turns. Floyd Forman went on to say that Savers Bank has been cooperative and was not certain if the signage would be part of the Traffic Systems work. Further, Mr. Forman noted that he had not been given a completion date. (Action: **FF add to upcoming agenda**)

Public Hearing(s) Continued:

CVS Massachusetts LLC Special Permit (Cont. PH from 04/25/07) (DFD = N/A): Floyd Forman indicated that he had spoken to the applicant's legal representative, Atty. Henry Lane, earlier today and that Atty. Lane told him that there was no new info from the applicant and that he'd asked that the Board continue the Public Hearing. Mr. Forman said that he recommended continuing to the 2nd meeting in June, i.e., 06/27/07. **John Morawski** made a motion, seconded by **Peter Petrillo**, to continue the Public Hearing on this matter to 06/27/07. The vote was **5-0-0 in favor** of the motion. (Action: **Cont. PH to 06/27/07**) (DFD = N/A)

Wanda Way Definitive Subdivision Plan (Cont. PH from 04/25/07) (DFD = 05/31/07): John Morawski noted that the Board would need to see the decision filing date extended through the end of July. **John Morawski** made a motion, seconded by **Stanley Stefanick**, to grant the request of the applicant to extend the time within which the decision must be filed on this matter to 07/31/07. The vote was **5-0-0 in favor** of the motion. **John Morawski** made a motion, seconded by **Stanley Stefanick**, to continue the Public Hearing on this matter to 06/12/07. The vote was **5-0-0 in favor** of the motion. (Action: **Cont. PH to 06/12/07**) (DFD = 07/31/07)

A&J Realty Holding LLC Special Permit (Cont. PH from 04/25/07) (DFD = N/A): **John Morawski** made a motion, seconded by **Peter Petrillo**, to continue the Public Hearing on this matter to 06/12/07. The vote was **5-0-0 in favor** of the motion. (Action: **Cont. PH to 06/13/07**) (DFD = N/A)

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

03/28/07 PB Meeting Minutes: **Stanley Stefanick** made a motion, seconded by **Peter Petrillo**, to accept as written and endorse the amended 03/28/07 Planning Board Meeting Minutes. The vote was **4-0-1 in favor** of the motion with Chuck Lutton casting the one dissenting vote. (Action: **CAB file min. w/ T.C.**)

Adjournment: **John Morawski** made a motion, seconded by **Peter Petrillo**, to adjourn. The vote was **5-0-0 in favor** of the motion. The meeting adjourned at **8:25 P.M.**

Deborah Bernier, Chairman

Date

John Morawski, Vice-Chairman

Date

Stanley Stefanick, Clerk

Date

Peter Petrillo, Member

Date

Charles Lutton, Member

Date