



Town of Uxbridge
Planning Board
21 So. Main St.
Uxbridge, MA 01569
(508) 278-6487

Minutes of the Uxbridge Planning Board regular meeting held on Wednesday, **October 22, 2008**, at 7:00 P.M. in the **Board of Selectmen's Meeting Room, Uxbridge Town Hall, 21 So. Main St.**, Uxbridge, MA:

Planning Board Members Present: Charles Lutton, Stanley Stefanick, Barry Desruisseaux and Peter Petrillo. Ms. Bernier arrived at 7:05pm.

Planning Board Members Absent: None

Others Present: Megan T. DiPrete, Director of Planning and Economic Development and Tracey Ante, Administrative Assistant

It being 7:00 pm, the meeting being properly posted, duly called and a quorum being present, Chairman Charles Lutton called the meeting to order and led the gathering in the Pledge of Allegiance.

Definitive Plan, public hearing. The applicant / owner of record, Donna Blanchflower-Fisher, & Stephen Whitmore and Hurley Jr. & Jean S. Silbor, in accordance with the provisions of MGL Ch 41 s. 81, review of a Definitive Subdivision Plan prepared by Andrews Survey & Engineering, Inc. dated September 30, 2008 located at 139 and 133 Hazel Street and shown on the Uxbridge Assessor's Map 18C, Lots 3471 and 3473 and recorded in the Worcester Registry of Deeds Plan Book 302 Plan 119 and Deeds Plan Book 310, Plan 98. The applicants are seeking Definitive Plan Approval for the exchange of land between the two properties. No new lots or roads will be created.

The Chairman opened the public hearing. Stephen O'Connell with Andrews Survey & Engineering, Inc. was present and spoke on behalf of the applicant. Mr. O'Connell indicated that the Board previously granted to waive the Definitive Plan submittal requirements to an Approval Not Required (ANR) level.

Ms. DiPrete advised the Board the property does not meet the current minimum frontage required by the Zoning Bylaws. Therefore, Definitive Plan approval is required and the applicant seeks to waive the frontage requirement. Variances from the Zoning Board of Appeals for the frontage and right side setback have been secured.

Following discussion and input, **MOTION** by Mr. Petrillo to close the public hearing. Seconded by Ms. Bernier, the motion carried unanimously.

MOTION by Ms. Bernier to waive the frontage requirement for the lots as shown on the Definitive Subdivision Plan. Seconded by Mr. Petrillo, the motion carried unanimously.

MOTION by Ms. Bernier to approve the Definitive Subdivision Plan prepared by Andrews Survey & Engineering, Inc. dated September 30, 2008 for property located at 139 and 133 Hazel Street. Seconded by Mr. Petrillo, the motion carried unanimously.

Amend the Zoning Bylaws. Amend Section III, Subsection 400-11, Accessory Uses/Structures. The proposal would replace the entire section with a revised section. (FATM Article 25).

The Chairman opened the public hearing. The staff report prepared by the Director of Planning and Economic Development is dated October 17, 2008. Zoning Board Chairman Mark Wickstrom reviewed the proposed Town Meeting Warrant Article #25 to amend the Zoning Bylaws Section III, Subsection 400-11 Accessory Uses/Structures. Mr. Wickstrom noted that there had been several previous public meetings regarding the proposal, which was drafted by Special Town Counsel Mark Bobrowski. Mr. Wickstrom further noted the previous vote of the Zoning Board to submit the article as proposed for consideration by Fall Annual Town Meeting.

Following input, **MOTION** by Mr. Desruisseaux to close the Public Hearing. Seconded by Ms. Bernier, the motion carried unanimously. The Board will deliberate at the end of their meeting.

Amend the Zoning Map. Rezone the parcel shown as Map 27 Parcel 2475 on the Town of Uxbridge Assessor's Map from Agricultural to Industrial. (FATM Article 27).

The Chairman opened the public hearing. The staff report prepared by the Director of Planning and Economic Development is dated October 17, 2008. Attorney Rob Knapik was present and spoke on behalf of the lead proponent. The Citizen's Petition is to amend the zoning map by rezoning a piece of property from Agricultural to Industrial. The parcel consists of approximately 3 acres and is located at the "northeast" corner of the intersection of Douglas Street and West Street. Mr. Knapik informed the Board that ultimately the use is intended to be a 3,000 square foot professional office building.

Following input, **MOTION** by Mr. Petrillo to close the Public Hearing. Seconded by Mr. Stefanick, the motion carried unanimously. The Board will deliberate at the end of their meeting.

Amend the Zoning Map. Rezone the parcel shown as Map 23 Parcel 2895 on the Town of Uxbridge Assessor's Map from Agricultural to Business. (FATM Article 28)

The Chairman opened the public hearing. Tracy Sharkey and Lou Tussino were present and spoke on behalf of the lead proponent. The staff report prepared by the Director of Planning and Economic Development is dated October 17, 2008. A plan was submitted to the Board by the proponent, showing the subject property. The Citizen's Petition is to rezone 14+/- acres located on Douglas Street from Agricultural to Business Zoning to be developed in conjunction with the Town's designated Priority Development Site. The site would provide frontage, and therefore access, to the designated PDS, which was targeted by Town Meeting and by the Board of Selectmen for a commercial retail development.

Areas of concern identified during the hearing include proximity to Julia Drive residences and the presence of a wetland/resource area on the subject property.

Following input, **MOTION** by Mr. Desruisseaux to close the Public Hearing. Seconded by Ms. Bernier, the motion carried unanimously. The Board will deliberate at the end of their meeting.

Amend the Zoning Bylaws. Rescind the vote to accept Article 24 of the May 13, 2008 Town Meeting entitled “Renumbering/Revision of Town Zoning Bylaws – Codification”. (FATM Article 29)

The Chairman opened the public hearing. The staff report prepared by the Director of Planning and Economic Development is dated October 17, 2008. Mark Wickstrom and Stephen O’Connell, who are both members of the Zoning Board of Appeals, which had originally sponsored the comprehensive effort to recodify and revise the zoning bylaws in advance of the May 2008 adoption by Town Meeting, advised the Board that they do not support the petition article.

Following no public input, **MOTION** by Mr. Petrillo to close the Public Hearing. Seconded by Ms. Bernier, the motion carried unanimously. The Board will deliberate at the end of their meeting.

Amend the Zoning Bylaws. Delete Section 400-47 B from the Zoning Bylaws Article IX Administration and Procedures and substitute a new subsection B. Enforcement that reads “pursuant to GL ch. 40A Section 7 the provision of this bylaw shall be enforced by the Board of Selectmen. No permit shall be granted in the construction, alteration, relocation or use of any building, structure or premises in violation of any provisions of this bylaw.” (FATM Article 30)

The Chairman opened the public hearing. The staff report prepared by the Director of Planning and Economic Development is dated October 17, 2008. Mark Wickstrom and Stephen O’Connell, who are both members of the Zoning Board of Appeals, which had originally sponsored the comprehensive effort to recodify and revise the zoning bylaws in advance of the May 2008 adoption by Town Meeting, advised the Board that they do not support the petition article.

Following no public input, **MOTION** by Ms. Bernier to close the Public Hearing. Seconded by Mr. Desruisseaux, the motion carried unanimously. The Board will deliberate at the end of their meeting.

Amend the Zoning Bylaws Section 400-40 (Waucantuck Mill Adaptive Reuse Overlay District), Subsection B, by adding the following clause to the end of the first paragraph: The site also includes property as shown on Assessor’s Map 19; parcel 2413, parcel 2449, portion of parcel 2484, portion of parcel 2475 and a portion of the area depicted on Map 19 as the paper street shown as Nicholas Way on an approved, but not built subdivision plan, the entire property being specifically bounded and boundary description dated September 10, 2008. (FATM Article 34)

The Chairman opened the public hearing. Mark Anderson of Heritage Design Group was present and spoke on behalf of the lead proponent. The Citizen’s Petition is to include an undeveloped subdivision known as Sherlock Heights in the Waucantuck Mill Adaptive Reuse Overlay District for a proposed retail center. Areas of concern identified during the hearing include the preservation of the historic mill village, the purpose and applicability of the original overlay bylaw, and the potential appearance of future development at the site.

Following input, **MOTION** by Mr. Desruisseaux to close the Public Hearing. Seconded by Mr. Petrillo, the motion carried unanimously. The Board will deliberate at the end of their meeting.

Amend the Zoning Bylaws Amend various sections of the Zoning Bylaws to permit certain Electrical Generating Facilities by special permit in the Industrial Zoning District. (FATM Article 39)

Mr. Desruisseaux recused himself due to a potential conflict of interest as he was an individual signatory to the petition article.

The Chairman opened the public hearing. The staff report prepared by the Director of Planning and Economic Development is dated October 17, 2008. Attorney Gerry Lemire was present and spoke on behalf of the lead proponent. Mr. Lemire described the proposal, which would permit development of up to 2 power plants with a total combined production capacity of 500 megawatts, each not to exceed 350 megawatts in the Industrial Zone on parcels of 15+ acres. The plant or plants would be powered by natural gas, renewable and ultra low sulfur fuels, wind or solar energy. Any such development would be subject to the full review of all impacts as required by the Zoning Bylaws, relative to review of special permit applications.

Following input, **MOTION** by Mr. Petrillo to close the Public Hearing. Seconded by Mr. Stefanick, the motion carried unanimously. The Board will deliberate at the end of their meeting. Mr. Desruisseaux returned to the Board.

Requests for Determination of Completeness (and subsequent reductions in surety) - Stone Crest I & II (Gary, Kasey), Meadowside (Cassie), Maple Grove (Julia), Foxwoods Estates I & II, cont'd

Ms. DiPrete summarized the reports and information regarding the ongoing work and inspections. These projects have not been deemed complete. She indicated that the layout process has been initiated for Stone Crest and Selectmen's hearing is pending.

Ms. DiPrete informed the Board of the procedures, layout process and deadlines as relates to road/street acceptances, timelines for reports and the options available.

Stephen O'Connell of Andrews Survey & Engineering, was present and spoke on behalf of the applicant for Stone Crest. He advised the Board of the applicant's intent to meet the required deadlines. However, recognizing the ongoing work, requested from the Board to withdraw the request for Determination of Completeness. Mr. O'Connell requested the Board continue discussions at their next meeting for Stone Crest, Meadowside, Maple Grove and Foxwoods.

MOTION by Ms. Bernier to continue discussions regarding the proposed layout of Gary and Kasey to the next meeting of the Board, on November 12, 2008. Seconded by Mr. Desruisseaux, the motion carried unanimously.

Quaker Industrial Park II (Commerce Dr. - ext) – Ms. DiPrete advised the Board the layout process is initiated. The pavement repair work is scheduled for next week and a partial Certificate of Compliance has been issued by the Conservation Commission.

MOTION by Ms. Bernier to deem Commerce Drive (extension) not complete at this time and to continue discussions regarding the proposed layout of the road to the next meeting of the Board, on November 12, 2008. Seconded by Mr. Stefanick, the motion carried 3-2 (Mr. Petrillo and Mr. Desruisseaux opposed).

Davis Hts (Lee St/Glen St) – Ms. DiPrete indicated that the Layout process was not initiated. The Board will continue discussions regarding completeness at their subsequent meetings, as appropriate.

Ledgemere Country Estates I, II & III – (Crownshield, Cotton Mill, Spinning Wheel) – Roads were previously laid out and recommended for acceptance. The Planning Board will continue discussions regarding the proposed FATM petition to accept the roads at their next meeting.

Church (ext), Lake (ext) (Art 38) – Ms. DiPrete advised the Board these streets were previously laid out and recommended for acceptance. However, the documents were not recorded and surety has been released. The Board will continue discussions at their next meeting.

Ms. DiPrete will prepare detailed notes for the Town Manager and Board of Selectmen. The Board will continue discussions at their next meeting as relates to requests for Determination of Completeness, Reports to the Board of Selectmen and Reports to Town Meeting.

Town Meeting Warrant Articles, cont'd, Deliberations following the hearings

FATM Article 25 Amend Section III, Subsection 400-11, Accessory Uses/Structures. Following deliberation, **MOTION** by Mr. Petrillo to recommend approval of Article 25. Seconded by Mr. Desruisseaux, the motion carried unanimously.

FATM Article 27. Amend the Zoning Map to rezone the parcel shown as Map 27 Parcel 2475 on the Town of Uxbridge Assessor's Map from Agricultural to Industrial. Following deliberation, **MOTION** by Mr. Stefanick NOT to recommend approval of Article 27. Seconded by Mr. Desruisseaux, the motion carried unanimously.

FATM Article 28. Amend the Zoning Map to rezone the parcel shown as Map 23 Parcel 2895 on the Town of Uxbridge Assessor's Map from Agricultural to Business. Following deliberation, **MOTION** by Mr. Petrillo NOT to recommend approval of Article 28. Seconded by Ms. Bernier, the motion carried 4 – 1 (Mr. Desruisseaux opposed).

FATM Article 29. Amend the Zoning Bylaws to rescind the vote to accept Article 24 of the May 13, 2008 Town Meeting entitled "Renumbering/Revision of Town Zoning Bylaws – Codification". Following deliberation, **MOTION** by Ms. Bernier NOT to recommend approval of Article 29. Seconded by Mr. Desruisseaux, the motion carried unanimously.

FATM Article 30. Amend the Zoning Bylaws - Delete Section 400-47 B from the Zoning Bylaws Article IX Administration and Procedures and substitute a new subsection B. Following deliberation, **MOTION** by Ms. Bernier NOT to recommend approval on Article 30. Seconded by Mr. Desruisseaux, the motion carried unanimously.

FATM Article 34. Amend the Zoning Bylaws Section 400-40 (Waucantuck Mill Adaptive Reuse Overlay District) Following deliberation, **MOTION** by Mr. Stefanick NOT to recommend approval on Article 34. Seconded by Ms. Bernier, the motion carried unanimously.

FATM Article 39. Amend various sections of the Zoning Bylaws to permit certain Electrical Generating Facilities by special permit in the Industrial Zoning District. Mr. Desruisseaux recused himself due to conflict of interest.

Following deliberation, **MOTION** by Mr. Petrillo to recommend approval on Article 39. Seconded by Mr. Stefanick, the motion carried 3-1 (Ms. Bernier opposed).

Mr. Desruisseaux returned to the Board.

MINUTES. MOTION by Ms. Bernier to approve the October 8, 2008 Executive Session Meeting Minutes. Seconded by Mr. Desruisseaux, the motion carried unanimously.

MINUTES. MOTION by Ms. Bernier to approve the October 8, 2008 Meeting Minutes. Seconded by Mr. Desruisseaux, the motion carried unanimously.

MOTION by Mr. Petrillo to adjourn the meeting. Seconded by Mr. Stefanick, the motion carried unanimously.

Charles, Lutton, Chairman

Peter Petrillo, Member

Deborah Bernier, Vice-Chairman

Stanley Stefanick, Member

Barry Desruisseaux, Clerk

Date _____