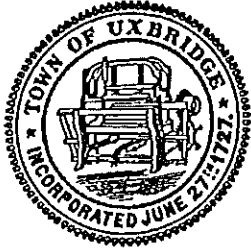


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Town of Uxbridge
Planning Board
21 So. Main St.
Uxbridge, MA 01569
(508) 278-8600, ext 2013

DEC 21 10 25 AM '09

Minutes of the Uxbridge Planning Board regular meeting held on Tuesday, November 3, 2009, at 7:00 P.M. in the Board of Selectmen's Room, Uxbridge Town Hall, 21 So. Main St., Uxbridge, MA:

Planning Board Members Present: Vice Chairman Deborah Bernier, Stanley Stefanick, Barry Desruisseaux and Peter Petrillo

Planning Board Members Absent: Chairman Charles Lutton

Others Present: Donna C. Hardy, Planning Board Administrator

It being after the hour at 7:10 pm, the meeting being properly posted, duly called and a quorum being present, Vice Chairman Deborah Bernier called the meeting to order and led the gathering in the Pledge of Allegiance.

CITIZEN PETITION FOR THE ACCEPTANCE OF ARBOR ROAD – Cont'd

Accept as a public way the street known as Arbor Road as laid out by the Board of Selectmen, in the name and behalf of the Town, to acquire by gift easements and appurtenant rights in and for said way for the purposes for which other public ways are used in the Town; or to take any other action relating thereto. Said plans recorded at the Worcester County Registry of Deeds as Plan Book 786, Page 71 and Plan Book 872, Plan 70. (Warrant Article 12)

Mr. Stephen O'Connell with Andrews Survey & Engineering was present and spoke on behalf of applicant. Arbor Road is subject to final inspection. **MOTION** by Mr. Desruisseaux to close the Public Hearing for Article 12 for the Acceptance of Arbor Road. Seconded by Mr. Petrillo, the motion carried unanimously.

CITIZEN PETITION FOR THE ACCEPTANCE OF DUNNY COVE LANE AND CONNOR PASS – Cont'd

Accept as public ways the streets known as Dunny Cove Lane and Connor Pass as laid out by the Board of Selectmen, in the name and behalf of the Town, to acquire by gift easements and appurtenant rights in and for said way for the purposes for which other public ways are used in the Town; or to take any other action relating thereto. Said plans recorded at the Worcester County Registry of Deeds as Plan Book 754, Page 61 and Plan Book 768, Page 17. (Warrant Article 13)

John Audet, the developer was present. Dunny Cove Lane and Connor Pass are subject to final inspection. **MOTION** by Mr. Desruisseaux to close the Public Hearing for Article 13 for the Acceptance of Dunny Cove Lane and Connor Pass. Seconded by Mr. Petrillo, the motion carried unanimously.

CITIZEN PETITION FOR THE ACCEPTANCE OF CROWN AND EAGLE ROAD – Cont'd

To see if the Town will accept as public way the street known as Crown and Eagle Road as laid out by the Board of Selectmen, in the name and behalf of the Town, to acquire by fee simple and appurtenant rights in and for said way for the purposes for which other public ways are used in the Town; or to take any other action relating thereto. Said plans recorded at the Worcester County Registry of Deeds as Plan Book 660, Page 56. (Warrant Article 17)

Mr. Benn Sherman, DPW Director was present. Mr. Sherman advised he did a site visit on November 3, 2009. At this time, the DPW is recommending acceptance with the Planning Board to move forward to the Town Meeting. **MOTION** by Mr. Desruisseaux to close the Public Hearing for Article 17 for the Acceptance of Crown

and Eagle Road. Seconded by Mr. Petrillo, the motion carried unanimously. Following discussion, MOTION by Mr. Stefanick to deem the project complete. Seconded by Mr. Petrillo, the motion carried unanimously.

CITIZEN PETITION FOR THE ACCEPTANCE OF EASY STREET – Cont'd

To see if the Town will accept as public way the street known as Easy Street as laid out by the Board of Selectmen, and further authorize the Board of Selectmen, in the name and behalf of the Town, to acquire by gift, easements and appurtenant rights in and for said way for the purposes for which public ways are used in the Town; or to take any other action relating thereto. Said plans recorded at the Worcester County Registry of Deeds as Plan Book 703, Page 80; Plan Book 726, Page 97; Plan Book 729, Page 56 and Plan Book 738, Page 40. (Warrant Article 19)

Mr. Stephen O'Connell with Andrews Survey & Engineering was present and spoke on behalf of applicant. Mr. O'Connell provided update. The residents at Easy Street have provided their time and effort in getting the project completed. Substantial portions of vegetation clearing that was required per the DPW Director's list have been completed, including 3 drainage easements & a water line easement, area are cleared & ready for riprap. Plans have been revised, but not issued.

Mr. Benn Sherman, DPW Director was present. Mr. Sherman advised that the residents on Easy Street were placing the riprap. MOTION by Mr. Desruisseaux to close the Public Hearing for Article 19 for the Acceptance of Easy Street. Seconded by Mr. Petrillo, the motion carried unanimously. Following discussion, MOTION by Mr. Stefanick to recommend favorable action pending final inspection reports stating the project is complete and that the board recommends the Selectmen vote to layout and make public way Easy Street. Seconded by Mr. Petrillo, the motion carried unanimously.

CITIZEN PETITION FOR THE ACCEPTANCE OF BUTTERMILK WAY – Cont'd

To see if the Town will accept as public way the street known as Buttermilk Way as laid out by the Board of Selectmen, and further authorize the Board of Selectmen, in the name and behalf of the Town, to acquire by gift, easements and appurtenant rights in and for said way for the purposes for which public ways are used in the Town; or to take any other action relating thereto. Said plans recorded at the Worcester County Registry of Deeds as Plan Book 22807, Page 193. (Warrant Article 20)

Mr. Stephen O'Connell with Andrews Survey & Engineering was present and spoke on behalf of applicant. A sentiment basin and a set of infiltration chambers were not installed. Pine trees need to be removed near basin. Mr. Benn Sherman, DPW Director was present. Mr. Sherman advised that the detention water basin needs to be addressed and lack of construction of the sediment base. MOTION by Mr. Desruisseaux to close the Public Hearing for Article 20 for the Acceptance of Buttermilk Way. Seconded by Mr. Petrillo, the motion carried unanimously. Following discussion, MOTION by Mr. Stefanick to not recommend favorable action for Article 20 for the acceptance of Buttermilk Way. Seconded by Mr. Petrillo, the motion carried unanimously.

ARTICLE 21: CITIZEN PETITION TO AMEND SECTION 400-39 BERNAT MILL HISTORIC OVERLAY DISTRICT – Cont'd

Amend Section 400-39 Bernat Mill Historic Overlay District Subsection C of the Town of Uxbridge Zoning By-Laws by adding the following additional uses; 7.Hospitals, medical institutions, and medical office buildings.

ARTICLE 22: CITIZEN PETITION TO AMEND BOARD OF HEALTH REGULATIONS AND ZONING BYLAWS – Cont'd

Amend the Town of Uxbridge Board of Health Regulations and Bylaws by adding Life Science Technology guidelines as described below. Also to see if the Town will vote to amend the Table of Use Regulations of the Zoning Bylaw, Appendix A by adding Life Science Technology to be an allowed use in the Industrial and Business Zones. See below.

- A. Life Science Technology in the Town of Uxbridge shall be undertaken only in the following zoning districts: Industrial and Business zones. No institution may employ Life Science Technology in the Town of Uxbridge without a permit from the Town of Uxbridge Board of Health.

ARTICLE 24: CITIZEN PETITION TO AMEND THE ZONING BYLAWS – Cont'd

Amend the Zoning Bylaws to add the following: (1) in zones R-A, R-B, R-C the "retreat lots" shall at a minimum have twice.

Article VIII

Subsection 400. xxx Retreat lots.

For the purpose of creating reasonable use of backland for residential uses, there may be established so-called retreat lots, pork chop lots of hammer head lots, the building upon which may be authorized by the issuance of a special permit by the Zoning Board of Appeals as special permit granting authority, subject to the following requirements:

- A. Said lot shall be entirely within a residential zoning district (R-A, R-B, R-C and the Agricultural Zone).
- B. Said lot has a minimum street frontage of not less than 40 feet and a width of not less than 40 feet at all points between the street and the nearest part of the principal building.
- C. The area of said lot to be at least twice the minimum lot size as would be required.
- D. Said lot shall otherwise be in compliance with all requirements of the Zoning Bylaws applicable to the zoning district in which said lot is located.
- E. Said lot shall not have contiguous frontage with any other lot which has been granted a special permit pursuant to this section.
- F. At the time of the application for a special permit is submitted, all other lots contiguous to said lot shall conform to the requirements of the zoning district in which it is located. Contiguous lots that were created prior to the establishment in Zoning in the Town of Uxbridge do not apply.
- G. No permit shall be issued, pursuant to this chapter, unless said lot is situated on a public way accepted by the Town of Uxbridge.
- H. Said lot shall be in harmony with the general purpose and intent of the Zoning Bylaws of the Town of Uxbridge.
- I. Retreat lots shall only be used for single family homes.

ARTICLE 26: AMEND THE ZONING BYLAWS, SECTIONS IX, SECTION 400-B, SECTION 400-50E, ARTICLE X DEFINITIONS AND REVISE APPENDIX A TABLE OF USE REGULATIONS -

Cont'd

To see if the Town will vote to amend the Zoning By-laws of November 2008 as follows:

- 1) Change Article IX, Section 400-B Powers to read: "The Board of Appeals Powers are as follows:
 - a. to hear and decide appeals to zoning decisions;
 - b. to hear and decide petitions for variances
 - c. to hear and decide appeals from decisions of the Planning Board or Building Inspector.
- 2) Change Article IX, Section 400-50A Special Permit Granting Authority to read: "Unless specifically designated otherwise, the Planning Board shall act as the Special Permit Granting Authority".
- 3) Change Article IX, Section 400-50E Plans by deleting the first paragraph and substituting "Projects on sites that are 45,000 square feet or less may be submitted as simple schematics unless there are clear complicating factors that require formal engineering design work. In cases where the site exceeds 45,000 square feet the Special Permit Granting Authority may require plans to 24-inch by 36-inch sheets prepared by a Registered Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect as appropriate. Dimensions and scales shall be adequate to make a complete analysis and evaluation of the proposal. All plans shall have a minimum scale of 1" by 20'.
- 4) Change Article X Definitions, by adding the following definitions in their appropriate alphabetical order as the section is now organized:
Business Use: Any wholesale or retail store, personal service establishments
Industrial Use: Any lawful retail trade or shop for custom work or manufacture including any manufacturing, processing operation, assembly, or warehousing which is not detrimental to the community or neighborhood by reason of the emission of dust, odors, gas, smoke, vibrations, noise, light, or other environmental contaminants.
- 5) Revise Appendix A Table of Use Regulations.

Selectmen Michael Potaski was present. Mr. Potaski advised of the changes.

Appendix A
Table of Use Regulations

USE	DISTRICTS					
	R-A	R-B	R-C	A	B	I
<u>B. Exempt and Institutional Uses</u>						
Present bylaws: Child care facility	Y	Y	Y	Y	Y	Y
Child care facility	ZBA	ZBA	ZBA	Y	Y	Y
Present bylaws: Hospital or other medical institution	ZBA	ZBA	ZBA	N	N	N
Hospital or other medical institution	ZBA	ZBA	ZBA	N	PB	PB
<u>D. Commercial Uses</u>						
Present bylaws: Animal clinic or hospital; kennel	N	N	N	Y	N	N
Animal clinic or hospital; kennel	N	N	N	Y	N	PB
Present bylaws: Bed and breakfast establishment	ZBA	ZBA	N	N	N	N
Bed and breakfast establishment	ZBA	ZBA	N	ZBA	N	N
Present bylaws: Commercial Stable/Riding school	N/A	N/A	N/A	N/A	N/A	N/A
Commercial Stable/Riding school	N	N	N	Y	N	PB
Present bylaws: Gasoline or oil filling station	N	N	N	N	ZBA	ZBA
Gasoline or oil filling station	N	N	N	N	PB	PB
Present bylaws: Laundry or Laundromat; dry cleaning establishment	N	N	N	N	ZBA	ZBA
Laundry or Laundromat; dry cleaning establishment	N	N	N	N	PB	PB
Present bylaws: Nursing or convalescent home; home for the aged	ZBA	ZBA	ZBA	N	N	N
Nursing or convalescent home; home for the aged	ZBA	ZBA	ZBA	PB	PB	PB
Present bylaws: Private club, nonprofit	ZBA	ZBA	N	ZBA	N	N
Private club, nonprofit	ZBA	ZBA	N	PB	PB	PB
Present bylaws: Private stable, nonprofit, for not more than 2 horses	ZBA	ZBA	ZBA	ZBA	N	N
Private stable, nonprofit, for not more than 2 horses	Y	Y	Y	Y	N	N
<u>E. Industrial Uses</u>						
Present bylaws: Retail Trade Operations	N/A	N/A	N/A	N/A	N/A	N/A
Retail Trade Operations	ZBA	ZBA	ZBA	ZBA	PB	PB
Present bylaws: Manufacturing, Processing, Assembly	N/A	N/A	N/A	N/A	N/A	N/A
Manufacturing, Processing, Assembly	N	N	N	N	ZBA	PB
Present bylaws: Warehousing	N/A	N/A	N/A	N/A	N/A	N/A
Warehousing	N	N	N	ZBA	PB	PB
Present bylaws: Lumber, fuel or ice establishment	N	N	N	N	ZBA	ZBA
Lumber, fuel or ice establishment	N	N	N	N	PB	PB

Present bylaws: Stone mason yard	N	N	N	N	N	ZBA
Stone mason yard	N	N	N	PB	PB	PB
<u>F. Accessory Uses</u>						
Present bylaws: The preparation and/or sale of snacks or non-alcoholic beverages incidental to or as an accessory use to a permitted activity.	N/A	N/A	N/A	N/A	N/A	N/A
The preparation and/or sale of snacks or non-alcoholic beverages incidental to or as an accessory use to a permitted activity.	Y	Y	Y	Y	Y	Y
Present bylaws: Drive-up windows accessory to retail operation	N/A	N/A	N/A	N/A	N/A	N/A
Drive-up windows accessory to retail operation	N	N	N	N	PB	PB

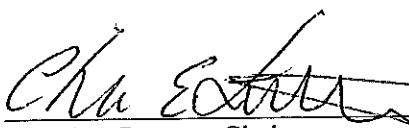
MOTION by Mr. Desruisseaux to close the Public Hearing for Article 26 for the Amending the Zoning Bylaws. Seconded by Mr. Petrillo, the motion carried unanimously. MOTION by Mr. Stefanick to recommend favorable action to Article 26, Zoning Bylaw changes, as amended and discussed. Seconded by Mr. Petrillo, the motion carried unanimously.

INVOICES. Mr. Michael Andrade with Graves Engineering was present and to discuss all invoices that are due. Mr. Desruisseaux had questions relating to the invoices as to how the fees are charged. Following discussions, the invoices in question were signed by the Planning Board members.

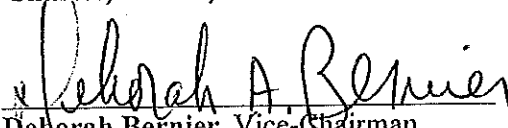
MOTION by Mr. Stefanick to adjourn the meeting at 7:55 P.M. Seconded by Mr. Desruisseaux, the motion carried unanimously.

The Board noted that Executive Session will not convene.

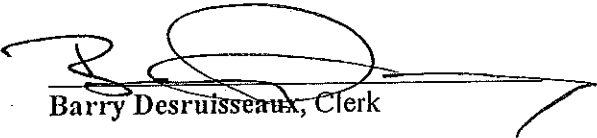
Respectfully Submitted by Donna C. Hardy, Planning Board Administrator


 Charles, Lutton, Chairman

 Peter Petrillo, Member


 Deborah Bernier, Vice-Chairman

 Stanley Stefanick, Member


 Barry Desruisseaux, Clerk

 12/9/09
 Date

