

DATED 11/08/2023 BY TOWN CLERK
2023 11/08/2023

Wednesday, November 8, 2023
Uxbridge Planning Board Meeting Minutes
21 South Main Street, Room 205
Uxbridge, MA 01569

Members	Eli Laverdiere Chairperson	Rory St. Pierre Vice Chairman	Lauren Steele Clerk	Craig Haringa Member	Tariq Fayyad Member
Attendance	X	X	X	X	X

Also Present: Jack Hunter, Town Planner (zoom)
Dylan Lindholm, Assistant Town Planner (present)

The Planning Board opened the meeting at 6:00 pm.

Crownshield Avenue:

The Board is in receipt of an email from resident Evan Salvizito, who resides at 250 Crownshield. Ave. He was also present by zoom. He wanted to discuss the Board voting at the last meeting to have the developer adhere to 30 ft. width of the road. He noted that this would impact him by losing some of his yard and also the need to move the mailbox. There would also be negative effects to the other neighbors. He asks, what at the positive reasons for widening?

The Chairman noted that the increase of width would be within the right of way.

Another resident who resides at 204 Crownshield Ave wanted to know why this road was not checked in the original development of the subdivision. She is concerned that her sprinkler system will be ruined if there needs to be a widening. It was also communicated that she has spent a significant amount of money on loam and seed.

The residents were informed that the purpose of this discussion is to try to find resolution. Town Counsel for both the Town and applicant were present. All were also informed that the Town Engineer has also provided his input to the Chairman which indicated that the width should be 30 ft.

Attorney Angela Conforti and Attorney Roeloff were present. Attorney Roeloff provided a historical perspective of this project. A screen share was provided with historical information. The plans from 1986 were referenced. The stations on Crownshield were noted. The binder installed at 26 ft was noted and other section at 30 ft was already accepted. The cross section was shown. In 2001, the Planning Board amended the Rules and Regulations and inserted new requirement for street

specifications and called for 26 ft. wide going forward. There were inspections taking place at this time. In 2003, the binder of Crownshield Ave. was installed at 26 ft. In 2003-2004 the first round of approvals occurred and on plans, the as built plans of Crownshield Ave were shown with pavement being 26 ft. There were also covenants approved for Ledgemere. There is documentation from DPW in 2003 about road binder along with information regarding the bond. In 2010-2011, there was litigation and the town was provided with revised plans for Ledgemere 4 and 5 which showed the road width being 26 ft width. In April 2023, Fafard put a new binder at lower Crownshield Ave. which was 26 ft. in width. During this timeframe, there was a new punch list was created for completion and the locations of culverts needed to be adjusted, This was all reviewed by the DPW and Consultant Graves.

The Chairman asked if the applicant has a signed modification that the road will be 26ft. and not 30 ft. It was also communicated that the culverts are horrendous.

Attorney Conforti is asking for a modification of the roadway width. Attorney Roeloff noted that they want documentation to clarification that 26 ft. would be approved by the DPW. The current binder has been in for 20 years and town officials were acting on this. He communicated that there are no safety reasons to have the road be 30 ft. width. The widening would have higher speeds. The stormwater was upgraded to meet the current standards.

Town Counsel for Uxbridge communicated that he does agree with Attorney Roeloff and does not think it is unreasonable to allow for the granting of the amendment to accept 26 ft. This would meet the current standards. If this went to appeals, it was his opinion that a judge would look at the current standard being 26 ft. A judge would need to decide what the benefits of 30 ft would be and is it reasonable to fix a current road, is this reasonable?

There was a concern that there are snow plows and larger fire trucks which would benefit more from 30 ft. roadway.

Another opinion was provided that there would be a cost for the town to litigate this case and also an inconvenience for the residents who would need to deal with the effects if the road were widened.

The request in front of the Board is to rescind the vote taken at the previous meeting.

Attorney Roeloff indicated that Fafard is under an appeal deadline, thus seeking to rescind the vote. He would like to have procedurally more time to gather historical documents showing the 26 ft.. He would also like more time to discuss this with the DPW Director Ben Sherman and then come back to the Board with options. This would be presented at the next meeting.

Both Attorneys agree it is recommended to keep this matter open and to not undergo litigation and find a resolution.

On a motion made by Lauren Steele, seconded by Eli Laverdiere, the Board voted (4 to 1) to rescind the previous vote and will reconsider the 26 ft.

The vote of the Board will be written up and provided to the applicant.

GENERAL BUSINESS:

Special Permit Extension Pro Storage, 400 West Street:

The Board is in receipt of an email regarding an extension permit for 400 West Street for Pro Storage.

Mr. Derreursaux was present explaining how his bank is requesting this extension.

The Board approves the extension of permit for Pro Storage to December 31, 2025.

Sherman Estates:

The applicant James Smith was present seeking lot releases. The Board was informed that the roadway was installed. The lot releases would be for Lot 1, 2, 3 & 6 and covenant for Lots 4, and 5. The bond which will be put in place is for \$177,837.00.

On a motion made by Rory St. Pierre, seconded by Lauren Steele, the Board voted (5 to 0) to accept the amended bond amount of \$177,837.00.

On a motion made by Rory St. Pierre, seconded by Lauren Steele, the Board voted (5 to 0) to release lots 1,2,3 and 6 and leave in covenant lots 4 & 5.

The form I will be signed.

This will be provided to the Town Clerk for signature.

53 G Accounts:

The Board was informed that there has been work with the new accountant to resolve some of the 53 G accounts. Some of the accounts need to be closed out and money returned to the applicants. There are also some accounts which will need more funds for the accounts. This is a work in progress.

Minutes:

October 25, 2023:

On a motion made by Rory St. Pierre, seconded by Lauren Steele, the Board voted (5 to 0) to approve the minutes from October 25, 2023.

Adjourn:

On a motion made by Rory St. Pierre, seconded by Lauren Steele, the Board voted to adjourn the meeting.

Respectfully Submitted,

Amy Sutherland
Recording Secretary
Approved December 13, 2023

Freedoms Way- Establishment of Bond:

Attorney Scott Ambler was present representing Gray Wolfe.

The Board at the last meeting approved the modification for Freedoms Way. The last item to address was the establishment of the bond. Attorney Ambler communicated that the Form J passbook was established in the amount of \$950,000.00 with Rockland Trust. There is also a Form G provided to release the lots 1 through 19.

On a motion made by Rory St. Pierre, seconded by Lauren Steele, the Board voted unanimously to approve the passbook security and Form J in the amount of \$950,000.00 and will sign the provided document.

On a motion made by Rory St. Pierre, seconded by Craig Haringa, the Board voted unanimously to approve the Form G and will release the lots 1-19.

General Business:

Attorney Angela Conforti was present representing Fafard requesting a field change modification. The Board is in receipt of a letter regarding the request which is to allow for the paved road to remain at 26 ft. instead of the bylaw requirement of 30 ft. The area is from Cotton Mill Way to where Crownshield intersects. This road was paved almost 20 years ago. Attorney Conforti communicated that the widening of the road will be difficult.

The Board is not in favor of allowing this field change. If the applicant wants to keep it as private then it can remain at 26 ft. but if they want street acceptance, then the 30 ft. is the requirement. The Attorney wanted to reach out to the Fire, Police and DPW Departments to get their recommendation. The Town Planner communicated that he could reach out to the Department. The Chairman did reach out to the DPW, and he wants the road to be 30 ft. Another suggestion was to reach out to neighbors. A screen share showed where the abutters would be located.

On a motion made by Rory St. Pierre, seconded by Craig Haringa, the Board voted (5 to 0) to deny the field change for Crownshield Ave.

Lackey Dam Logistics:

Representative Todd Brodeur was present representing the applicant. The Board was provided with an overview of the collaborative effort with the surrounding towns regarding this project. There is a tenant interested in the site. There is a review of the traffic which was reviewed upon the original application. The new analysis review was provided. This was shown on the screen share. The road needs some millwork, and the overlay is being scheduled and there is work going to be done in the Town of Douglas. A suggestion was made to ask the DPW if the road could be half milled, and this would be a cost savings to the town. This would need a recommendation with the DPW Director. The cost savings could be a donation for the fire and police to purchase vest in case of active shooters. If the DPW approved this change, the Board would like a signed letter. The applicant will be going to the Town of Douglas tomorrow night.

On a motion made by Rory St. Pierre, seconded by Lauren Steele, the Board voted (5 to 0) to authorize the tenant for Lackey Dam logistics with the estimated traffic pattern.

Meeting Minutes:

September 27, 2023:

On a motion made by Lauren Steele, seconded by Craig Haringa, the Board voted (5 to 0) to approve the minutes from (5 to 0).

Next Meeting:

- November 8, 2023

Adjourn:

On a motion made by Rory St. Pierre, seconded by Lauren Steele, the Board voted (5 to 0) to adjourn the meeting at 6:45 pm.

Respectfully Submitted,

Amy Sutherland

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