

Town of Uxbridge  
Planning Board  
21 South Main Street  
Uxbridge, MA 01569  
(508) 278-8600, ext 2013

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Minutes of the Uxbridge Planning Board regular meeting held on **Wednesday, February 23, 2011**, at 7:00 P.M. in the Board of Selectmen's Room, Uxbridge Town Hall, 21 South Main Street, Uxbridge, MA:

**Planning Board Members Present:** Charles Lutton, Peter Petrillo and Joseph Leonardo

**Planning Board Members Absent:** Barry Desruisseaux and Ernest Esposito

**Others Present:** Donna C. Hardy, Planning Board 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.

**OLD/NEW BUSINESS:**

**Cedar Woods I (Anthony's Way & Giacomo Way)** – The Planning Board discussed the Uxbridge DPW's – Status Update report dated February 9, 2011. The Planning Board is awaiting documentation from Andrews Survey & Engineering that the survey bounds were installed and final plans, certifications and easement documents are to be finalized. The Planning Board will continue discussions at their next scheduled meeting.

**Davis Heights (Glen Street & Lee Street)** – The Planning Board discussed Graves Engineering – As-built/Acceptance Plan Review dated December 16, 2010 and the Uxbridge DPW's – Plan Review dated February 9, 2011. The Planning Board seeks additional information and clarification:

- 1) As-built & Acceptance Plan Comment #3: The driveway and house on lot are located partially within the drainage easement. A legal opinion should be obtained to ensure no future issues arise following acceptance by the town. Following discussion, **MOTION** by Mr. Petrillo to move forward to Town Counsel to get a legal opinion for this comment. Seconded by Mr. Leonardo, the motion carried unanimously.
- 2) As-built & Acceptance Plan Comment #12: It appears that in several areas, a portion of the sidewalk is located outside of the right-of-way; this is evident on the right side of Glen Street from Millville Road to the handicap ramp on Lee Street on the left side of Lee Street. It appears that the centerline layout of Glen Street and Lee Street in these areas is not collinear with right-of-way, thus leaving less shoulder room for the sidewalk. Easements appear to be needed for these areas. The engineer should clarify what changed and provide this information to the Planning Board. The Planning Board seeks additional information and clarification. A letter will be prepared and submitted to Heritage Design Group. The Planning Board will continue discussions at their next scheduled meeting.
- 3) As-built & Acceptance Plan Comment #14: The engineer must provide certification that the as-built stormwater basins will function as designed (e.g. basin stage storage volume, detention times,

peak discharge rates, etc.). The engineer shall submit any and all supporting calculations, including a summary of the original approved design calculations, to verify that peak post-development discharge rates are less than or equal to peak post-development discharge rates. The Planning Board seeks additional information and clarification. A letter will be prepared and submitted to Heritage Design Group. The Planning Board will continue discussions at their next scheduled meeting.

**James F. Smith, Definitive Subdivision Plan (off Albee Road)** – Mr. Stephen O’Connell with Andrews Survey & Engineering was present and spoke on behalf of the applicant. Following discussion, **MOTION** by Mr. Leonardo to accept FY11-04 James F. Smith, Definitive Subdivision Plan for a Certificate of Approval of a Definitive Subdivision Plan, pending a successful plan review report from the Uxbridge Department of Public Works. Seconded by Mr. Petrillo, the motion carried unanimously.

**FY11-03 Davis Circle (Remmi Lee Way)** - Mr. Stephen O’Connell with Andrews Survey & Engineering was present and spoke on behalf of the applicant. Following discussion, **MOTION** by Mr. Leonardo to accept FY11-03 Davis Circle for a Certificate of Approval, Definitive Subdivision Plan, pending a successful plan review report from the Uxbridge Department of Public Works. Seconded by Mr. Petrillo, the motion carried unanimously.

**FY11-01 Vanderzicht subdivision (off Williams Street)** - Mr. Stephen O’Connell with Andrews Survey & Engineering was present and spoke on behalf of the applicant. Following discussion, **MOTION** by Mr. Leonardo to accept FY11-01 Vanderzicht Realty Trust and Keith & Sherri Vanderzicht for a Certificate of Approval, Definitive Subdivision Plan, pending a successful plan review report from the Uxbridge Department of Public Works. Seconded by Mr. Petrillo, the motion carried unanimously.

**Subdivision Rules & Regulations update to include Preliminary Plan Application content** – The Planning Board did not discuss this matter and shall continue discussions at a future scheduled meeting.

**MINUTES.** The Planning Board shall review and sign the February 9, 2011 meeting minutes at the next scheduled meeting.

**Correspondence:**

Chairman Lutton sent a letter dated January 25, 2011 to the Board of Selectmen concerning the new Uxbridge High School. The letter indicates that the Town officials responsible for building the new Uxbridge High School are bypassing the Town’s zoning by-law requiring a special permit from the Uxbridge Planning Board for major nonresidential projects. If such a special permit is not required, the Chairman requests receiving a written response outlining the reason that a special permit is not required. On February 22, 2011, Town Counsel submitted a letter in response to Planning Board Chairman Lutton’s letter. Excerpt taken from Town Counsel’s letter, page 3, second paragraph “Accordingly, in consideration of the language of G.L. Chapter 40A, Section 3 and the above referenced appellate court decisions (additional information on letter) which clearly establish that site plan review and special permit requirements of local zoning bylaws are inapplicable to educational uses permitted under Section 3, it is my opinion that the Uxbridge High School Project is an educational use allowed under the provisions of G.L. Chapter 40A, Section 3, and as such, it is not subject to Major Non-Residential Project site plan or special permit review by the Planning Board under the provisions of Section 400-20 of the Uxbridge Zoning Bylaw”. Following discussion, **MOTION** made by Mr. Petrillo to close the discussion about the new Uxbridge High School with the Planning Board and to indicate that a Special Permit is not required

for the new Uxbridge High School, due to the Dover Amendment and case law. Seconded Mr. Leonardo, the motion carried unanimously.

**New Flood Insurance maps:**

Chairman Lutton received an email forwarded by the Town Manager's office from Mr. Glenn Hand, Uxbridge Building Inspector with a draft zoning amendment to adopt the new flood insurance maps. The Planning Board will continue discussions at the next scheduled meeting.

**Aldrich Brook Estates (Glendale Street)** – Attorney Steven Greenwald notified the Planning Board Department to discuss to request an extension for this subdivision for an additional three (3) years. The Definitive Subdivision Plan for Aldrich Brook Estates Conservation Design Development was issued on December 27, 2006. However, an appeal was filed on March 26, 2007. Agreement for the judgment was approved on March 12, 2008. The Definitive Subdivision Plan would have expired March 12, 2011. However, the Permit Extension Act created by Section 173 of Chapter 240 of the Acts of 2010 extends the project for an additional two (2) years until March 12, 2013. The Permit Extension Act, automatically extends, for two (2) years beyond its otherwise applicable expiration date, any permit or approval that was “in effect or existence” during the qualifying period beginning on August 15, 2008 and extending through August 15, 2010. Following discussion, **MOTION** by Mr. Petrillo to send a letter to the applicant's attorney in response of the extension for the Definitive Subdivision Plan for Aldrich Brook Estates Conservation Design Development to be extended until March 12, 2013, due to the Permit Extension Act created. Seconded by Mr. Leonardo, the motion carried unanimously.

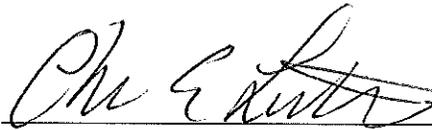
**Common Driveways & Retreat Lots discussion**

Mr. Stephen O'Connell with Andrews Survey & Engineering came forward to the Planning Board inquiring if the Planning Board plans to resubmit retreat lots or common driveways back to town meetings. The Planning Board has previously tried twice in the past to bring both subjects to the town meeting and both times the articles have failed.

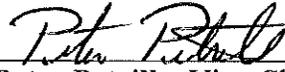
**MOTION** by Mr. Leonardo to adjourn the Planning Board meeting at 7:29 P.M. Seconded by, Mr. Petrillo, the motion carried unanimously.

The Board noted that Executive Session will not convene.

Respectfully Submitted by Donna C. Hardy, Planning Board Administrative Assistant



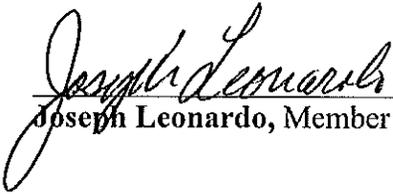
Charles, Lutton, Chairman



Peter Petrillo, Vice-Chair

Ernest Esposito, Clerk

Barry Desruisseaux, Member



Joseph Leonardo, Member

April 13, 2011

Date