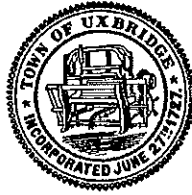


James Smith, Chair
Barry Desruisseaux, Vice Chair
Peter Pavao, Clerk
Joseph Leonardo, Member
Justin Piccirillo, Member



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PLANNING BOARD MEETING MINUTES WEDNESDAY, December 28, 2016

Minutes of the Uxbridge Planning Board regularly scheduled meeting on **Wednesday, December 28, 2016**, at **7:00 P.M.** in the **Board of Selectmen Meeting Room, Uxbridge Town Hall, 21 South Main Street, Uxbridge, MA.**

Present: Chair James Smith, Clerk Peter Pavao, Member Joe Leonardo, Member Justin Piccirillo; Also present Administrative Assistant Lynn Marchand.

Absent: Vice Chair Barry Desruisseaux

I. CALL TO ORDER

It being approximately 7:00 pm, the meeting being properly posted, duly called, and a quorum being present, the meeting was called to order by the Chair, who led the Pledge of Allegiance.

II. PUBLIC HEARING(S):

Continued from December 14, 2016

1. **FY17-03, Cote Lane, Definitive Subdivision** Application - The Owner/Applicant of record, **Stage One Investors, LLC** is seeking approval of a seven (7) lot subdivision on a 490' cul-de-sac on a total acreage tract of 4.69 acres. Property is located on **Cote Lane, Uxbridge MA on the southerly side of Carney Street to the west of Marywood Street.** The property is shown on the Town of Uxbridge Assessor's Map 24A, Parcel 1434. The title to said land is recorded in the Worcester District Registry of Deeds Book 54575, Page 91; Property is located in Residential Zone A.

MOTION I: to continue the Public Hearing made by Mr. Leonardo. Motion was seconded by Mr. Piccirillo. Motion carried 4-0-0.

Continued from December 14, 2016

2. **FY17-16, 124 & 126 N. Main St., 128-130 N. Main St., 4 Hazel St., & 8-10 Hazel St., Special Permit Application** - The Applicant of record are **Cumberland Farms, Inc.** and the owners of record, **Richard & Edward Riley, Lori & Scott Brady, Blackstone Realty, LLC, & Blackstone Realty, LLC** are seeking a **Special Permit** to raze the existing site and construct/operate a 4,786 square foot retail convenience store with automobile fillings stations; six (6) fueling stations/12 fueling positions including diesel. Properties are located on **124 & 126 N. Main St., 128-130 N. Main St., 4 Hazel St., & 8-10 Hazel St., Uxbridge, MA.** The properties are shown on the Town of Uxbridge Assessor's Map 304, Parcels 2966, 2967, 2964, & 2958. The titles to said land are recorded in the Worcester District Registry of Deeds Books 34960, 41846, 18685, & 20548 Pages 391, 394, 305, & 195; Properties are located in a Business zone.

MOTION I: to continue the Public Hearing made by Mr. Leonardo. Motion was seconded by Mr. Piccirillo. Motion carried 4-0-0.

Mr. Smith recused himself.

3. **FY17-19, Definitive Subdivision** – The owner of record, **Bonsmith, LLC/James Smith** is seeking approval for a **Definitive Subdivision** to construct two (2) single family residential building lots. Property is located on **Summit Estates, 65 Richardson Street, Uxbridge, MA.** The property is shown on the Town of Uxbridge Assessor's Map 29, Parcel 1227. The title to said land is recorded in the Worcester District Registry of Deeds Book 56339, Pages 279. Property is located in a Residential-C zoning district.



**PLANNING BOARD MEETING MINUTES
December 28, 2016 continued**

Representing the applicant, Travis Brown of Andrews Survey & Engineering stated there was an existing house that would be removed, the proposed 2 lot subdivision would come off of Richardson St., would be a private right of way road with 20' wide recycled asphalt pavement, roadway will be pitched to one side so stormwater runoff to swale and into the settling basin, private septic, utility pole at entrance to dwelling, will use existing driveway. He stated Graves Engineering had reviewed the project and that the applicant had submitted revised waivers.

Mr. Brown reviewed each waiver with the Board and what was changed per Graves Engineering's comments. He replied to questions regarding stormwater. Mr. Leonardo, acting Chair, opened the floor to the public.

One abutter asked about the 200' of frontage requirement. Mr. Brown stated there was no enough frontage so they created the right of way to meet the frontage requirements. Another abutter asked a sediment pond at the end of the road was needed. Mr. Brown stated it was to prevent any water running down to Richardson St. The abutter also asked the razing of the house and whether it would be check for asbestos due to the age of the house and asked what would happen with the original septic system. Mr. Leonardo stated that a certified asbestos engineer would be required to check it and if necessary to go into the remediation effort. He discussed the process of removing the debris. Mr. Brown stated the old septic system, likely a cesspool would be removed per Title V requirements.

The Board reviewed the waivers individually.

MOTION I: to close the Public Hearing for the definitive subdivision for Bonsmith, LLC James Smith, made by Mr. Piccillo. Motion was seconded by Mr. Pavao. Motion carried 3-0-0.

MOTION II to accept the waivers listed as 3.B.3.a., 4.A.1.h, 4.A.2.b, 4.A.3.c, 4.A.4.a, 4.A.6.e, 5.C, 5.c.6, 5.D.1, and 5.E, by Mr. Piccirillo. Motion was seconded by Mr. Pavao. Motion carried 3-0-0.

MOTION II to approve the definitive subdivision for Summit Estates Bonsmith, LLC, James Smith, made by Mr. Piccirillo. Motion was seconded by Mr. Pavao. Motion carried 3-0-0.

Mr. Smith returned to the meeting.

III. BUSINESS

Public Hearing Closed November 9, 2016

1. FY16-22 Definitive Subdivision Modification Application - The Owners of record, **Alfred & Jacqueline Ricca**, are seeking approval of a proposed definitive subdivision modification entitled **King Street Estates** revising the subdivision from five (5) lots on a public roadway to four (4) lots on a private roadway, total acreage of tract being approximately 12.96 acres. Property is located **on 128 King Street/15, 16, 25, & 26 Ricca Way** Uxbridge, MA. The property is shown on the Town of Uxbridge Assessor's Map 53, Parcels 679, 1494, 1548, 1455, & 1461. The title to said land is recorded in the Worcester District Registry of Deed Book 25464, Page 136. Property is located in an agricultural zone

- a. Waiver Discussion
- b. Decision draft

The Chair stated the decision draft was being worked on. He discussed the issues the Board had with the waiver requests specific to surety and a covenant. He stated that he spoke with Andrews Engineering and also would add "subject to Spectra approval" in the Decision regarding the gas lines. The engineer stated they would retract one of the waivers and would provide a covenant. The Board discussed with the owner the reasons for the issues and that any buyer would also have to abide by the covenant. Each waiver was read into record prior to the Board's vote with discussion on some of them.



**PLANNING BOARD MEETING MINUTES
December 28, 2016 continued**

MOTION I: to approve the waiver, 3.B.2.k, from a formal closed pipe storm drainage system made by Mr. Piccillo. Motion was seconded by Mr. Leonardo. Motion carried 4-0-0.

MOTION II: to approve the waiver, 3.B.2.a, performance guarantee made by Mr. Pavao. Motion was seconded by Mr. Leonardo. Motion carried 4-0-0.

MOTION III: to deny the waiver request, 3.B.3.b, of a waiver for a covenant made by Mr. Piccillo. Motion was seconded by Mr. Leonardo. Motion carried 4-0-0.

MOTION IV: to modify (and approve) the waiver request (4.A.2.b.) width of payment from 18' to 20' made by Mr. Leonardo. Motion was seconded by Piccirillo. Motion carried 4-0-0.

MOTION V: to approve the waiver, 4.A.3.b, for the 3% turnaround made by Mr. Leonardo. Motion was seconded by Mr. Pavao. Motion carried 4-0-0.

MOTION VI: to approve the waiver, 4.A.3.c, made by Mr. Leonardo. Motion was seconded by Mr. Pavao. Motion carried 4-0-0.

MOTION VII: to approve the waiver, 4.A.4.a, for dead end streets made by Mr. Leonardo. Motion was seconded by Mr. Piccirillo. Motion carried 4-0-0.

MOTION VIII: to approve the waiver, 4.A.4.d, made by Mr. Leonardo. Motion was seconded by Mr. Piccirillo. Motion carried 4-0-0.

MOTION IX: to approve the waiver, 5.C, provided that the drawings are updated to reflect the 20' wide roadway and the proper base made by Mr. Leonardo. Motion was seconded by Mr. Piccirillo. Motion carried 4-0-0.

MOTION X: to approve the waiver, 5.D as written made by Mr. Leonardo. Motion was seconded by Mr. Pavao. Motion carried 4-0-0.

MOTION XI: to approve the waiver, 5.E, made by Mr. Leonardo. Motion was seconded by Mr. Pavao. Motion carried 4-0-0.

MOTION XII: to approve the waiver, 5.H, standard cross section revised waiver request to specify that the standard cross section will match what will be shown in the Plans on the detail sheet made by Mr. Pavao. Motion was seconded by Mr. Leonardo. Motion carried 4-0-0.

The Board reviewed the Decision draft and reviewed the changes that needed to be made.

2. ANR -155 Laurel Street/Hathaway Farms LLC

Mr Rick Hathaway reviewed the ANR to create one (1) lot on the corner of Laurel St & Chocolog Rd. in the agricultural zone which is on an 11.5 acre parcel and showed how it met the frontage requirements.

MOTION I: to accept the division of land on Chocolog Rd. and Laurel Street made by Mr. Leonardo. Motion was seconded by Mr. Piccirillo. Motion carried 4-0-0.

The Board signed the Mylars.

1. 175 South Street, Gravel Permit Application

- a. 12/14/16 Graves Review
- b. 12/15/16 Graves Review



**PLANNING BOARD MEETING MINUTES
December 28, 2016 continued**

The Board reviewed the application, Site Plan, comments from BOH, and the reviews from Graves Engineering. A difference was noted regarding the site plan submitted to the Planning Board and the one that was submitted for the ACO. Questions were posed regarding final grade and whether the granting of a gravel permit would be approving something larger/creating an area to fill beyond what the permit would approve, whether the existing bond would be sufficient to cover the Town, Graves Engineering's concerns.

Attorney Lane, representing the applicant, discussed the applicant's obligation under the bylaw for finished grades and that they are not bound to those grades forever and can use the land anyway they want after they are finished the earth removal (32,000+ cubic yards of gravel and sand) and achieving the grades required. He stated if they needed additional permits to repurpose the land they would do so at that time.

Mr. Leonardo talked about the discrepancy between the two site plans submitted to Graves Engineering. Attorney Lane stated there are two different processes, one through the PB and one through DEP. He further stated the applicant was only requesting a permit for earth removal.

The Chair stated that in order to grant the gravel permit and the restoration plan to bring it to grade would require them ignoring the site plan for the active ACO which showed grades far above plan submitted to the Planning Board. Mr. Piccirillo stated they are responsible to uphold the laws of the Town generally.

The Board discussed conditions to be added to the Permit including hours of operation, inspections/site access, terms of approval of the permit, revocation for violation of the terms. Mr. Piccirillo after reading a draft of the permit conditions asked Attorney Lane if he felt they were reasonable. Attorney Lane stated he understood that these would be the conditions of the approval of the permit. Mr. Leonardo stated his agreement with the conditions.

Attorney Lane stated the Board could issue the permit that evening and sign the permit at a later date. The Board agreed to approve the permit that evening. Mr. Piccirillo read the conditions into the record.

MOTION I: to accept the gravel removal permit application for 175 South Street, based on the Plans dated October 14, 2016 and subject to the additional conditions: *This permit to remove gravel shall grant the right of site access to the property located at 175 South Street by any Town Official or their representatives for any reason and at any time during the days and hours of site operation. Consequently, this permit shall be conditioned upon the invalidation and nullification of any standing or future order of No Trespass for Town Officials or their representatives for the duration of this permit.*

This permit shall not extend any right, privilege, or use beyond those which are defined in this condition: This permit shall be extended solely for the activities of gravel removal and for the placement of loam and seed at the topographical final grades and within the boundaries of the proposed earth removal work provided in the application for this permit.

Activities of filling which extend above the topographical final grades provided in the application for this permit may result in revocation of this permit and may result in loss of the Bond security.

Operating hours: Monday through Saturday, 7:00AM to 5:00PM. No holiday work.

Operation shall be required to follow all applicable Federal, State and Local laws.

At any time, failure to meet the conditions of the permit may result in revocation of the permit.

This permit shall be granted in reference to plans dated October 14th, 2016 and attached herein.

Motion was seconded by Mr. Leonardo. Motion carried 4-0-0.

2. Meadowbrook Knoll –Freedom's Way



**PLANNING BOARD MEETING MINUTES
December 28, 2016 continued**

- a. Informal discussion regarding future application to add 2 additional lots –No one present to speak to the application

3. Gravel Operations Review/Updates/Violations/General Discussion

- a. 775 Millville Rd

The Chairman stated that the Board had issued a letter to the Bldg. Inspector/Zoning Enforcement Officer to make site visits to the two gravel permits, 175 South Street & 775 Millville Rd. to determine what their principle use was.

- 4. Master Planning** –Mr. Piccirillo said he was reviewing other townships and gathering additional information

IV. MINUTES/MAIL/INVOICES

- 1. 09/14/16 Meeting Minutes –passed over
- 2. 10/19/16 Meeting Minutes –passed over
- 3. 11/09/16 Meeting Minutes –passed over
- 4. 11/30/16 Meeting Minutes –passed over
- 5. Invoices: Chairman reviewed and signed invoices.

V. ANY OTHER BUSINESS, which may lawfully come before the Board.

VI. ADJOURNMENT: NEXT PLANNING BOARD MEETING, WEDNESDAY, January 11, 2017.

MOTION I: to adjourn by Mr. Leonardo. Motion was seconded by Mr. Piccirillo. Motion carried 4-0-0.

Respectfully submitted,

Lynn Marchand
Land Use Administrative Assistant

Planning Board Signatures

James Smith, Chairman

Absent

Joseph Leonardo, Member

Barry Desruisseaux, Vice-Chair

Peter Pavao, Clerk

Justin Piccirillo, Member

Date

3/8/17