

Town of Uxbridge
Planning Board
21 South Main Street, Room 203
Uxbridge, MA 01569
(508) 278-8600, ext 2013

APR 26 '12 PM12:08

Minutes of the Uxbridge Planning Board regular meeting held on **Wednesday, April 11, 2012**, 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, Joseph Leonardo, Julie Butler, Daniel Antonellis and James Smith arrived at 7:08 pm.

Planning Board Members Absent: Barry Desruisseaux

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

Public Hearings:

ARTICLE 17: STREET ACCEPTANCE – SAND WEDGE DRIVE

Accept as a public way the street known as Sand Wedge Drive 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 take any other action relating thereto. **MOTION** by Mr. Leonardo to open the public hearing titled "**ARTICLE 17: STREET ACCEPTANCE – SAND WEDGE DRIVE**". Seconded by Ms. Butler, the motion carried unanimously. Chairman Lutton opened the Public Hearing. **MOTION** by Mr. Leonardo to continue the public hearing for "Article 17: Street Acceptance – Sand Wedge Drive" to the next scheduled public hearing. Seconded by Ms. Butler, the motion carried unanimously. Chairman Lutton expressed to the audience that the Board had a limited amount of information to discuss the determination and requires additional information.

ARTICLE 20: AMEND THE TOWN OF UXBRIDGE ZONING BYLAW ARTICLE IX ADMINISTRATION AND PROCEDURES § 400-47 ADMINISTRATION B. ENFORCEMENT

To see if the Town will vote to amend the following zoning bylaw, or take any action relative thereto;
Article IX Administration and Procedures § 400-47 Administration B. Enforcement

Add: 1. Criminal complaint

In addition to other procedures for enforcement described in this article, whoever violates any provision of these bylaws **MAY** be penalized by indictment or on complaint brought in district court. Except as otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each offense or violation brought in this matter, shall be three hundred dollars.

2. Non-criminal disposition

In addition to other procedures for enforcement described in this article, whoever violates any provision of these Bylaws, the violation of which is subject to a specific penalty, **MAY** be penalized through non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D. Non-criminal disposition may also be used to penalize violations of any rule or regulation of any municipal officer, board, or department, if such violation is subject to a specific penalty. Without

intending to limit the generality of the previous statement, it is the intention of this provision that the following bylaws and sections of bylaws are to be included in the scope of this subsection, that the specific penalties, as listed here, shall apply in such cases, and that in addition to police officers, who shall, in all cases, be considered enforcing persons for the purposes of this provision, the municipal personnel listed in each subsection, as well as the Town Manager, shall also be enforcing persons for such subsections. Each day on which a violation exists shall be deemed to be a separate offense.

ZONING BYLAWS SUBJECT TO NON-CRIMINAL DISPOSITION

Article III § 400-11 Accessory Uses and Structures

\$10.00 Enforcing persons: Zoning enforcement officer, designees

Article VI § 400-22 Trailers; Junk cars

\$25.00 Enforcing persons: Zoning enforcement officer, designees

MOTION by Mr. Leonardo to open the public hearing titled "ARTICLE 20: AMEND THE TOWN OF UXBRIDGE ZONING BYLAW ARTICLE IX ADMINISTRATION AND PROCEDURES § 400-47 ADMINISTRATION B. ENFORCEMENT". Seconded by Ms. Butler, the motion carried unanimously. Chairman Lutton opened the Public Hearing. Mr. Sean Hendricks, Uxbridge Town Manager came forward to speak on the article and expressed to the Board the reason to amend the bylaw. Following discussion, **MOTION** by Mr. Leonardo to close the Public Hearing for "ARTICLE 20: AMEND THE TOWN OF UXBRIDGE ZONING BYLAW ARTICLE IX ADMINISTRATION AND PROCEDURES § 400-47 ADMINISTRATION B. ENFORCEMENT". Seconded by Ms. Butler, the motion carried unanimously. **MOTION** by Mr. Leonardo recommending favorable action for "ARTICLE 20: AMEND THE TOWN OF UXBRIDGE ZONING BYLAW ARTICLE IX ADMINISTRATION AND PROCEDURES § 400-47 ADMINISTRATION B. ENFORCEMENT", to the Spring Annual Town Meeting. Seconded by Ms. Butler, the motion carried 4-0.

FY12-09 Mark Investments, LLC – Modified Special Permit Application – The applicant of record Mark Investment, LLC is seeking a Modified Special Permit to install a 3.5 +/- Megawatt dc solar photovoltaic facility on a parcel located at 500 Hartford Avenue and is west in the Town of Uxbridge. The proposed solar farm (project) will include the erection and installation of a fixed ground mount. The property is comprised of one (1) lot and is shown on the Town of Uxbridge Assessor's Map 16, Parcel 3881, Lots 1, 2, 3, part of 4, 5 and 6. The plans of said lots are recorded in the Worcester Registry of Deed Book 44999, Page 242 and said land is free from encumbrances. **MOTION** by Mr. Leonardo to open the public hearing for the application listed as "FY12-09 Mark Investments, LLC". Seconded by Ms. Butler, the motion carried unanimously. Attorney Joseph Antonellis came forward advising the board that he is of no relation with Mr. Daniel Antonellis, Planning Board Associate Member. Mr. Matthew Randall, Project Engineer with Talmage Solar Engineering, Inc. came forward to discuss the project. The Planning Board received a report from Graves Engineering, Inc. (GEI) review dated April 6th titled "Solar Electrical Generating Facility – 500 Hartford Avenue West, Amendment to Special Permit.

GEI "General Engineering Comment's" #3: The revised plan will create two separate solar array areas and there appears to be no proposed access to the larger array area. Mr. Randall advised that no access road will be needed, if and when maintenance is required, a pick-up truck can drive right onto the property.

GEI "Drainage, Hydrology & Stormwater Management" #1: A stormwater summary is included in the submittal, however no calculations or hydrology modeling is provided. GEI understands that the panels may not be considered impervious surfaces by MA-DEP, however an analysis is still required. GEI understands that Andrews Survey & Engineering may have performed such an analysis but GEI has not reviewed any such report. Mr. Stephen O'Connell with Andrews Survey &

Engineering, Inc. came forward advising a storm water management report was provided with the first submission, however is not needed for the second submission.

GEI "General Engineering Comment's" #2: The plans should indicate what the proposed ground cover will be within the facility (i.e. under and adjacent to the panels, along the access aisles, etc.).

Discussions and areas of concern also included the type of infrastructure or transformers to be used with the solar panels, the number of decibels, deforestation and accessibility to the property. Following discussion, **MOTION** by Mr. Leonardo to close the Public Hearing for the application listed as **FY12-09 Mark Investments, LLC – Modified Special Permit Application**. Seconded by Ms. Butler, the motion carried unanimously.

Following review of all materials and testimony on April 11, 2012, **MOTION** by Mr. Leonardo and seconded by Ms. Butler, the motion carried unanimously to approve **FY12-09 Mark Investments, LLC for a Special Permit Application**.

FY10-03 Ledgemere Country IV – Application for a Definitive Plan Approval – The applicant/owner of record Uxbridge Multi Family, LLC is seeking a Definitive Plan Approval for Ledgemere Country IV, located in the area within Crownshield Avenue and has ten (10) proposed lots. The plan is recorded in the Worcester Registry of Deeds Plan Book 18515, Page 241. The Board reviewed both reports received from Graves Engineering, Inc. report dated April 5, 2012 and Transportation Engineering, Planning and Policy, LLC report dated April 10, 2012. Following discussion, **MOTION** by Mr. Leonardo to close the Public Hearing for the application listed as **FY10-03 Ledgemere Country IV – Application for a Definitive Plan Approval**. Seconded by Ms. Butler, the motion carried unanimously.

FY10-04 Ledgemere Country V – Application for a Definitive Plan Approval – The applicant/owner of record Uxbridge Multi Family, LLC is seeking a Definitive Plan Approval for Ledgemere Country V, located south of Crownshield Avenue and has eight (8) proposed lots. The plan is recorded in the Worcester Registry of Deeds Plan Book 25726, Page 38. The Board reviewed both reports received from Graves Engineering, Inc. report dated April 5, 2012 and Transportation Engineering, Planning and Policy, LLC report dated April 10, 2012. Following discussion, **MOTION** by Mr. Leonardo to close the Public Hearing for the application listed as **FY10-03 Ledgemere Country IV – Application for a Definitive Plan Approval**. Seconded by Ms. Butler, the motion carried unanimously.

Old/New Business:

Aldrich Brook Estates (Release of Covenant of Lots and Performance Bond) – MOTION by Mr. Leonardo for the Release of Covenant and Performance Bond of \$44,768.75 for the subdivision listed as Aldrich Brook Estates. Seconded by Ms. Butler, the motion carried unanimously.

Any other business which may lawfully come before the Board -

ANR Checklist – **MOTION** by Mr. Leonardo to approve the Planning Board fee schedule revision for Approval Not Required (ANR) applications dated 4/13/2011 as follows "ANR Plans (81Ps): \$100.00, plus \$20.00 for anything over two (2) lots, parcels, easements or etc." to recommend revising the fee schedule to the following "ANR Plans (81Ps): Application fee is \$100.00 and \$20.00 for each additional lot, parcel, easement, etc.". Seconded by Ms. Butler, the motion carried unanimously.

MINUTES. MOTION by Mr. Leonardo to approve the Planning Board Meeting Minutes dated March 14, 2012. Seconded by Ms. Butler, the motion carried unanimously.

MINUTES. The Planning Board Meeting Minutes for March 28, 2012 will be addressed at the next meeting.

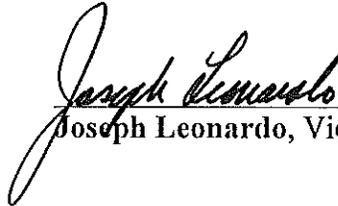
MOTION by Mr. Leonardo to adjourn the Planning Board meeting at 7:49 P.M. Seconded by Ms. Butler, the motion carried unanimously.

The Board noted that Executive Session will not convene.

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

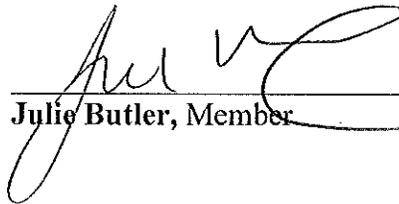


Charles, Lutton, Chairman



Joseph Leonardo, Vice-Chair

Barry Desruisseaux, Clerk



Julie Butler, Member



James Smith, Member



Daniel Antonellis, Associate Member

4/25/12

Date