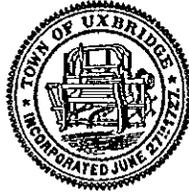


Joseph Leonardo, Chair
 James Smith, Vice Chair
 Barry Desruisseaux, Clerk
 Daniel Antonellis, Member
 Peter Petrillo, Member



Uxbridge Town Hall
 21 South Main Street, Room 203
 Uxbridge, MA 01569
 508-278-8600 x2013 p
 508-278-0709 f

Received by
 Uxbridge
 Town Clerk

**PLANNING BOARD MEETING MINUTES
 WEDNESDAY, MAY 28, 2014**

Minutes of the Uxbridge Planning Board regular meeting schedule for **Wednesday, May 28, 2014**, at **7:00 P.M.** in the **Board of Selectmen's Meeting Room, Uxbridge Town Hall, 21 South Main Street, Uxbridge, MA.**

Present: Chair Joseph Leonardo, Vice Chair James Smith, Clerk Barry Desruisseaux, Member Daniel Antonellis, Member Peter Petrillo, and Administrative Assistant Beth Pitman.

Absent: None.

It being 7:05 pm, the meeting being properly posted, duly called and a quorum being present, the meeting was called to order and led with the Pledge of Allegiance.

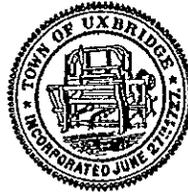
I. PUBLIC HEARING(S):

- 1. Cobbler's Knoll, Special Permit Decision** - The owner/applicant of record, FIKOW LLC, is seeking a Special Permit for an application for a preliminary subdivision plan approval. The property is located on 230 Chocolog Road and 255 Chocolog Road. The property has 60 proposed lots and is shown on the Town of Uxbridge Assessor's Map 39, Parcel 4254 and Map 44, Parcel 345. The undersigned's title to said land is derived from Patricia Turner and Nancy Turner Badger by deed dated February 7, 2014 and recorded in the Worcester District Registry of Deeds Book 52122, Page 321.

Steve O'Connell of Andrews Survey & Engineering, Inc., on behalf of the Applicant, FIKOW LLC, presented the plan for 230 and 255 Chocolog Road of approximately 155 acres. The Yield Plan (also known as Density Plan) has at least 300 feet of frontage, and meets or exceeds 2 acres per lot with roads equaling 10,050 linear feet. In the Open Space plan (also known as Development Plan), all open space is preserved and conveyed to an entity, and provides the option of leaving wetland resource area undisturbed. The net benefit to the Applicant is less road construction and less disturbance of land. This is only a Preliminary plan, asking the Board to grant the Special Permit of up to 60 lots. In the Definitive Plan, the Applicant would provide definitive design of road, storm water design, minor tweaks to parcels if necessary, and more. Abutters will be notified of this process as well. The plan is to have points of access to the open space to benefit the Town and immediate community. The Board commented that approximately 97 acres will not be touched in perpetuity with the Open Space Plan. Mr. O'Connell noted that lots will be serviced by private wells and sewer. Preliminary soil testing has been conducted, resulting in no concern for wells. The existing house (Turner) is shown on both plans, is intended to remain and be sold on potential approval of the project. A cemetery exists west of the Turner house/parcel. Conversations have been held with the Historic Cemetery Committee already, and they welcome it. That land will be cut out in an ANR, with access from the road, and conveyed to the Town on behalf of the Committee.

The Chair opened the Public Hearing to comments from abutters, noting that each speaker had a 5 minute limit. Having just received the package from Mr. Healy, that would be addressed more fully at the next meeting (attached). Abutters/Neighbors expressed the following concerns: impact on Town resources, public school enrollment increase and associated tax base increase, potential Lyme disease occurrence based on Open Space Plan, traffic flow impact, real estate depression from unsold homes, effect the character of the community, effect on wetland and forest species, easement on and public access to Jackson Hill Road, impact on outdoor activity (walking, biking, horseback riding, etc.), septic system

Joseph Leonardo, Chair
 James Smith, Vice Chair
 Barry Desruisseaux, Clerk
 Daniel Antonellis, Member
 Peter Petrillo, Member



Uxbridge Town Hall
 21 South Main Street, Room 203
 Uxbridge, MA 01569
 508-278-8600 x2013 p
 508-278-0709 f

**PLANNING BOARD MEETING MINUTES
 WEDNESDAY, MAY 28, 2014**

approval, cleanliness and winter maintenance of Chocolog Road, and details shown on preliminary vs definitive plan.

Abutters/Neighbors asked that the Board: be good stewards of the community, set standards to be followed in the future, work with Conservation Commission on a realistic plan, and consider the opinions of the people of South Uxbridge.

Kristin Black, Town of Uxbridge Conservation Agent, spoke to her memo/email submitted to Board (attached). Chair requested that Mr. O'Connell address concerns in Ms. Black's email. Chair stated that all are trying to work together for the betterment and on the behalf of the Town.

MOTION: I, Mr. Petrillo, move that the Planning Board continue the hearing to the next meeting, June 11, 2014. Seconded by Mr. Smith, the motion carried unanimously.

II. BUSINESS

1. Hammond Estates/Waterman Way: Project Update and Sidewalk Waiver Request: Passed over to next meeting, June 11, 2014.

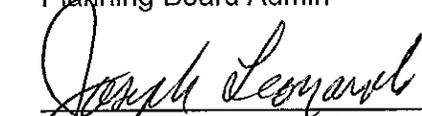
III. SUBDIVISION RULES AND REGULATIONS: The Chair asked that the Board review and approve one page per meeting. After discussion, it was decided that a scheduled workshop, with duration of an hour, would be better. Ms. Pitman will send out a proposed scheduled to the Board.

IV. MINUTES/MAIL/IMVOICES: 05/14/14 Meeting Minutes - **MOTION: I, Mr. Desruisseaux, move that the Planning Board approve the 05/14/14 Meeting Minutes as written. Seconded by Mr. Smith, the motion carried unanimously.**

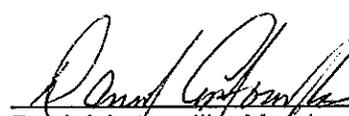
V. ANY OTHER BUSINESS, which may lawfully come before the Board: None.

At 8:41pm, MOTION by Mr. Desruisseaux to adjourn the meeting. Seconded by Mr. Petrillo. The motion carried unanimously.

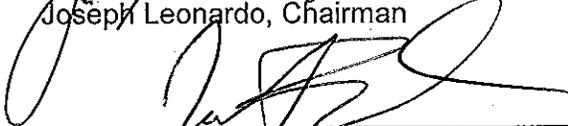
Respectfully submitted,
 Beth A Pitman
 Planning Board Admin



 Joseph Leonardo, Chairman



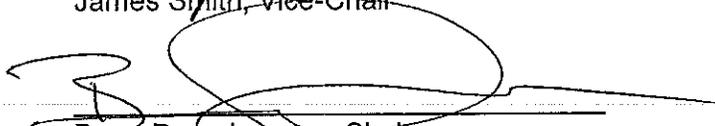
 Daniel Antonellis, Member



 James Smith, Vice-Chair



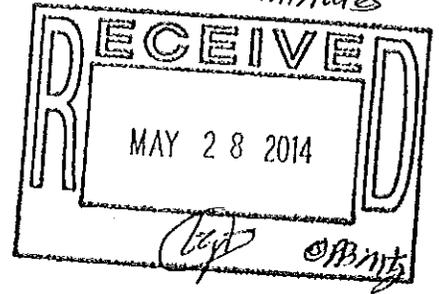
 Peter Petrillo, Member



 Barry Desruisseaux, Clerk



 Date



Uxbridge Planning Board
Public Hearing
Cobbler's Knoll
Special Permit Decision
May 28, 2014

Michael Healy
280 Chocolog Road
Uxbridge, MA 01569
401-465-8613

As an abutter and concerned resident, I would like to make the following statements with respect to the Cobbler's Knoll Special Permit procedures.

1. There are currently 11 single family homes on the 1 mile section of Chocolog Road from Chestnut Street to Johnson Road. The requested Special Permit for 60 house lots at Cobbler's Knoll is excessive and not in keeping with the Uxbridge Conservation Design Development Bylaw.
2. The Uxbridge Conservation Design Development Bylaw is ideally suited for the Cobbler's Knoll Development. The property contains significant historical and environmental resources.

"to encourage the preservation of open land, to preserve historical and archaeological resources; to protect the natural environment; to perpetuate the appearance of Uxbridge's traditional New England landscape"

3. Both 230 Chocolog Road and 255 Chocolog Road must be considered as one development site.

"parcels of land which were at any time after the date of adoption of this conservation design development by-law, part of contiguous property under common ownership (or in different ownerships each involving one or more of the same principals)."

4. The Conservation Design Bylaw is the only way to develop more than eight lots in five years on this Development Site.

"Major Development - the division of a Development Site located in the Agricultural zoning district into eight or more lots for single-family detached houses."

"no Major Development is permitted except in accordance with a special permit for Conservation Design issued by the Planning Board under this Section."

"the number of lots constituting a Major Development shall be deemed to include all lots created or proposed to be created from the Development Site after the effective date of this Section, within any five year period."

5. The Applicant must file an existing site conditions plan which has not been done.

"Applicants for a Conservation Design Development shall file with the Planning Board"

"A plan showing existing site conditions including the following: topography at 2 foot contours, general description of forest cover (i.e. dominant tree species, average stem diameter, etc.), stone walls, streams and ponds, permanently protected open space, wetlands, including vernal pools, floodplains, the view shed, buildings, rock ridges and outcroppings over 100 square feet, right of ways and easements."

6. The Development Plan submitted to the Planning Board is incomplete.

“In addition to the requirements under a preliminary subdivision, such plan shall also indicate slopes over 20%, the results of deep soil test pits and percolation tests at reasonable intervals, but in no case fewer than 10 % of the proposed lots in the conservation design development.”

7. The Development Plan submitted to the Planning Board does not meet the requirements for determining the basic number of lots allowed in a Conservation Design Development.

“The basic number of lots for single family detached houses in a Conservation Design Major Development shall be that number of lots which could be developed on the Development Site in full conformance with all zoning, subdivision, and other state and local regulations normally applicable to the creation and development of lots for single-family detached houses in the Agricultural zoning district, and without the need for extraordinary engineering measures.”

- a. Many of the lots are located in wetlands. It is imperative that any Development Plan have an updated delineation of the Bordering Vegetated wetlands approved by the Conservation Commission. (See attached map with overlay)

“Where wetland delineation is in doubt or dispute, the Planning Board shall require the applicant to submit to the Conservation Commission a request for a determination of applicability for concurrence of the wetland boundary.”

- b. The Development Plan does not reflect that the Development site includes designated priority habitat for rare species. Therefore, the applicant needs to file with the Natural Heritage & Endangered Species Program to determine what development would be allowed under the conventional development plan. (See attached letter from the NHESP)
- c. The Development Plan does not reflect the feasibility of developing lots without the need for extraordinary engineering measures. Some of the roadways and lots would not be feasible to develop because of ledge outcroppings, steep slopes, etc.

8. After the Bylaw requirements are satisfied and the Planning Board determines the “basic number of lots”, the following issues with respect to the actual Subdivision and open space layout will need to be addressed.

a. Modification of Lot Requirements

- i. The intent of the Bylaw is that the lots would be of similar size and the remainder of the land set aside. Not minimum size lots to reduce road costs and four 10 acre lots to reduce the land set aside for conservation.
- ii. The minimum lot size for a single family septic system is 1 Acre.

b. Open Space Requirements

- i. “A minimum of 50% of the Development Site shall be preserved as permanent open space. At least 40% of said parcel shall be contiguous open space, excluding required yards. No more than 25% of the required open space shall consist of wetlands, as defined in M.G.L.c. 131 § 40, slopes over 20%, or drainage structures.”
- ii. The most environmentally sensitive and historically significant land should be selected to be set aside for conservation.
- iii. Buffer zones should be established along Chocolog Road and between abutting properties “to perpetuate the appearance of Uxbridge's traditional New England landscape”.

Presently, the average house on this section of Chocolog Road is setback approximately 200 feet off the roadway.

- iv. The open space should ideally be conveyed to the Conservation Commission or a nonprofit organization. The conveyance of open space should take place as one of the required steps to validate or legalize any special permit that may be issued by the Planning Board.

“The required open space shall, at the owner's election and with the concurrence of the Town, be conveyed to:

- a. the Town of Uxbridge or its Conservation Commission;
- b. a nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space as set forth above.”

- v. The Planning Board should establish a plan to determine the best use for the open space land and identify the required access for that use. Environmentally sensitive areas should be set aside for “nonuse”.

“The required open space shall be used for conservation, agriculture, horticulture, forestry, historic preservation and education, outdoor education, recreation and park purposes, or for a combination of such purposes, as determined by the Planning Board, and shall be provided with suitable access for such purposes.”

9. The planning Board has the authority to issue a Special Permit only if the conditions of this bylaw are fully complied with.

“The Planning Board may grant a special permit for a Conservation Design Development only if it determines that the proposed development conforms to the requirements of and meets the purposes of this Section.”

10. There should be notification of abutters and additional public hearings at critical stages throughout the approval process.

In conclusion, I would to express my confidence in and appreciation of the Planning Board efforts to promote responsible development in our agriculturally zoned areas by requiring strict adherence to the Conservation Design Development Bylaw.

Sincerely,



Michael Healy
Abutter – Cobbler's Knoll

Approximate wetlands overlay based on outdated wetlands delineations.

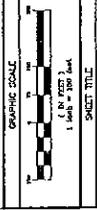
OWNER OF RECORD:
 FROM, LLC
 500 BOYLSTON ST., SUITE 1070
 BOSTON, MA 02116

APPLICANT:
 FROM, LLC
 500 BOYLSTON STREET, SUITE 1070
 BOSTON, MA 02116

PROJECT:
 PRELIMINARY SUBDIVISION
 CHOCKALOG ROAD
 UXBIDGE, MA 01569

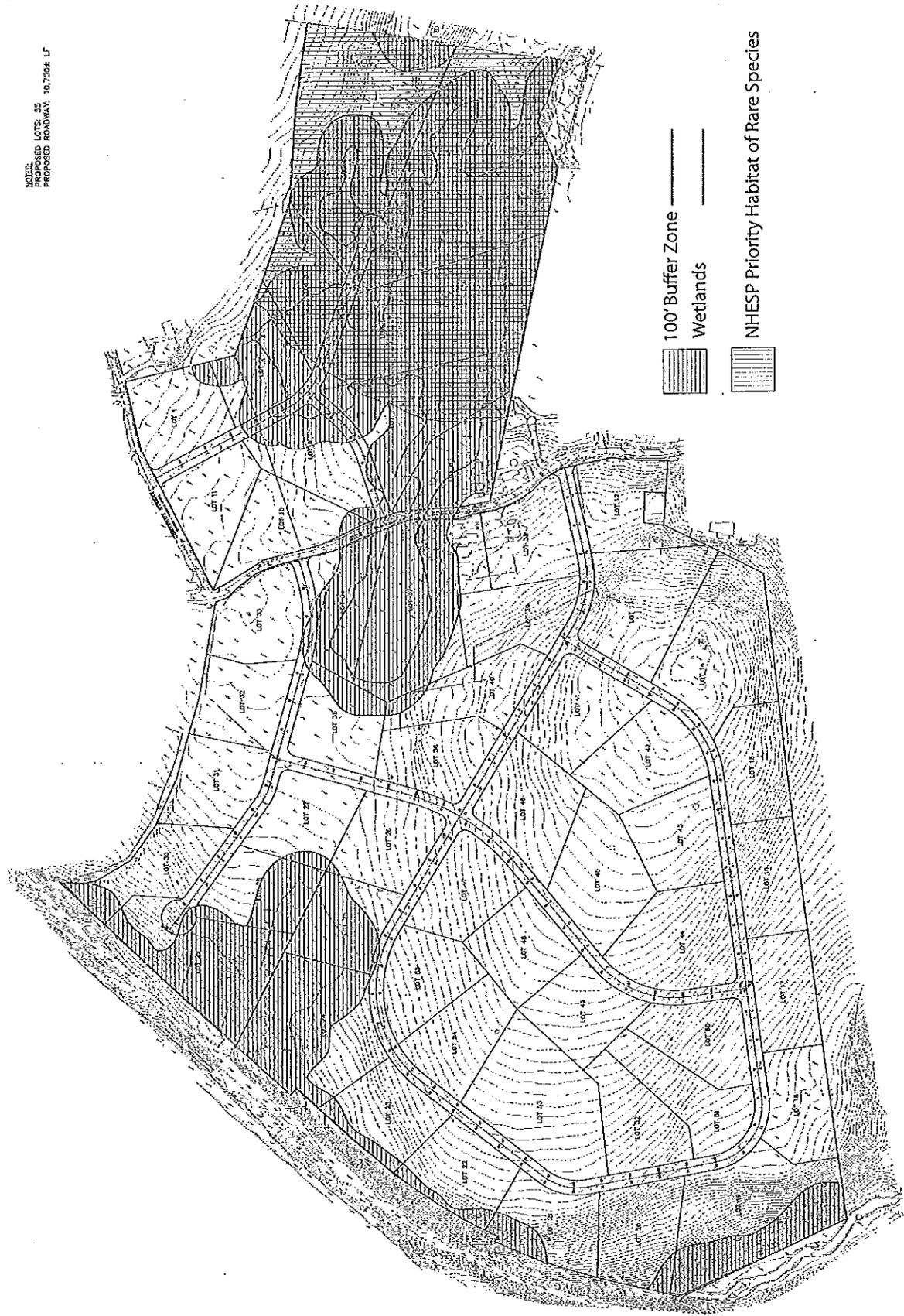
APPLICANT:
 FROM, LLC
 500 BOYLSTON STREET, SUITE 1070
 BOSTON, MA 02116

PROJECT:
 PRELIMINARY SUBDIVISION
 CHOCKALOG ROAD
 UXBIDGE, MA 01569



SHEET TITLE:
 PRELIMINARY
 SUBDIVISION
 YIELD PLAN

NOTE:
 PROPOSED LOTS: 35
 PROPOSED ROADWAY: 10.7506+ LF



- 100' Buffer Zone
- Wetlands
- NHESP Priority Habitat of Rare Species



Commonwealth of Massachusetts

Division of Fisheries & Wildlife

MassWildlife

Wayne F. MacCallum, *Director*

May 22, 2014

Michael Healy
280 Chocolog Road
Uxbridge MA 01569

RE: Project Location: 255, 280 & 230 Chocolog Road
Town: UXBRIDGE
NHESP Tracking No.: 14-33287

To Whom It May Concern:

Thank you for contacting the Natural Heritage and Endangered Species Program of the MA Division of Fisheries & Wildlife (the "Division") for information regarding state-listed rare species in the vicinity of the above referenced site. Based on the information provided, this project site, or a portion thereof, is located within *Priority Habitat 360 (PH 360)* and *Estimated Habitat 319 (EH 319)* as indicated in the *Massachusetts Natural Heritage Atlas (13th Edition)*. Our database indicates that the following state-listed rare species have been found in the vicinity of the site:

| <u>Scientific name</u> | <u>Common Name</u> | <u>Taxonomic Group</u> | <u>State Status</u> |
|---------------------------|--------------------|------------------------|---------------------|
| <i>Terrapene carolina</i> | Eastern Box Turtle | Reptile | Special Concern |

The species listed above is protected under the Massachusetts Endangered Species Act (MESA) (M.G.L. c. 131A) and its implementing regulations (321 CMR 10.00). State-listed wildlife are also protected under the state's Wetlands Protection Act (WPA) (M.G.L. c. 131, s. 40) and its implementing regulations (310 CMR 10.00). Fact sheets for most state-listed rare species can be found on our website (www.mass.gov/nhesp).

Please note that projects and activities located within Priority and/or Estimated Habitat must be reviewed by the Division for compliance with the state-listed rare species protection provisions of MESA (321 CMR 10.00) and/or the WPA (310 CMR 10.00).

Wetlands Protection Act (WPA)

If the project site is within Estimated Habitat and a Notice of Intent (NOI) is required, then a copy of the NOI must be submitted to the Division so that it is received at the same time as the local conservation commission. If the Division determines that the proposed project will adversely affect the actual Resource Area habitat of state-protected wildlife, then the proposed project may not be permitted (310 CMR 10.37, 10.58(4)(b) & 10.59). In such a case, the project proponent may request a consultation with the Division to discuss potential project design modifications that would avoid adverse effects to rare wildlife habitat.

A streamlined joint MESA/WPA review process is available. When filing a Notice of Intent (NOI), the applicant may file concurrently under the MESA on the same NOI form and qualify for a 30-day

www.mass.gov

Division of Fisheries and Wildlife

Temporary Correspondence: 100 Hartwell Street, Suite 230, West Boylston, MA 01583

Permanent: Field Headquarters, North Drive, Westborough, MA 01581 (508) 389-6300 Fax (508) 389-7890

An Agency of the Department of Fish and Game

streamlined joint review. For a copy of the NOI form, please visit the MA Department of Environmental Protection's website: <http://www.mass.gov/dep/water/approvals/wpaform3.doc>.

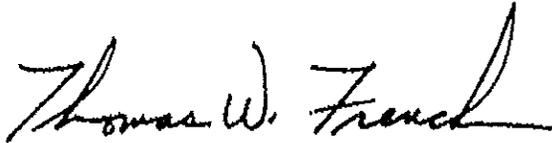
MA Endangered Species Act (MESA)

If the proposed project is located within Priority Habitat and is not exempt from review (see 321 CMR 10.14), then project plans, a fee, and other required materials must be sent to Natural Heritage Regulatory Review to determine whether a probable "take" under the MA Endangered Species Act would occur (321 CMR 10.18). Please note that all proposed and anticipated development must be disclosed, as MESA does not allow project segmentation (321 CMR 10.16). For a MESA filing checklist and additional information please see our website: www.mass.gov/nhosp ("Regulatory Review" tab).

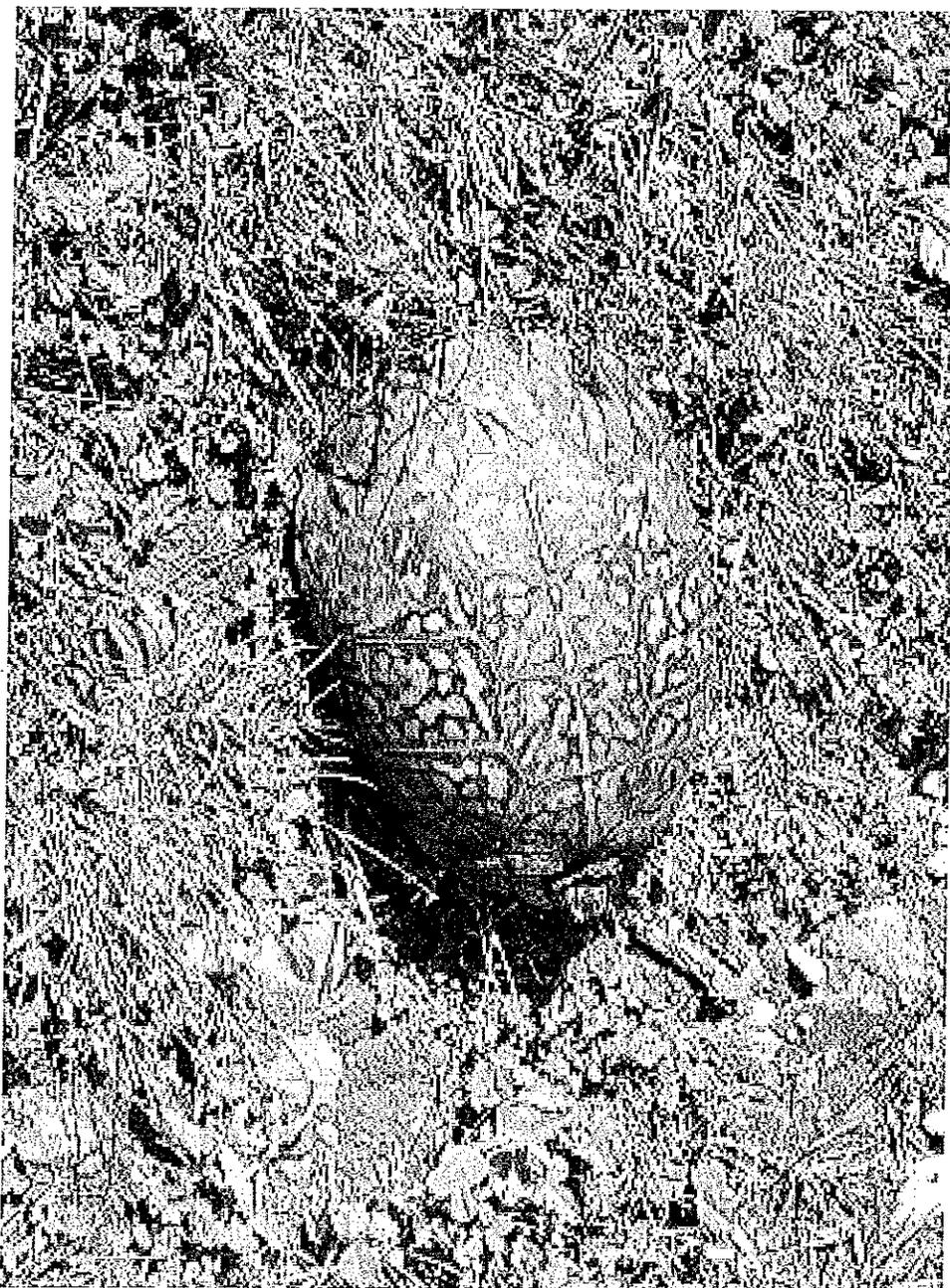
We recommend that rare species habitat concerns be addressed during the project design phase prior to submission of a formal MESA filing, as avoidance and minimization of impacts to rare species and their habitats is likely to expedite endangered species regulatory review.

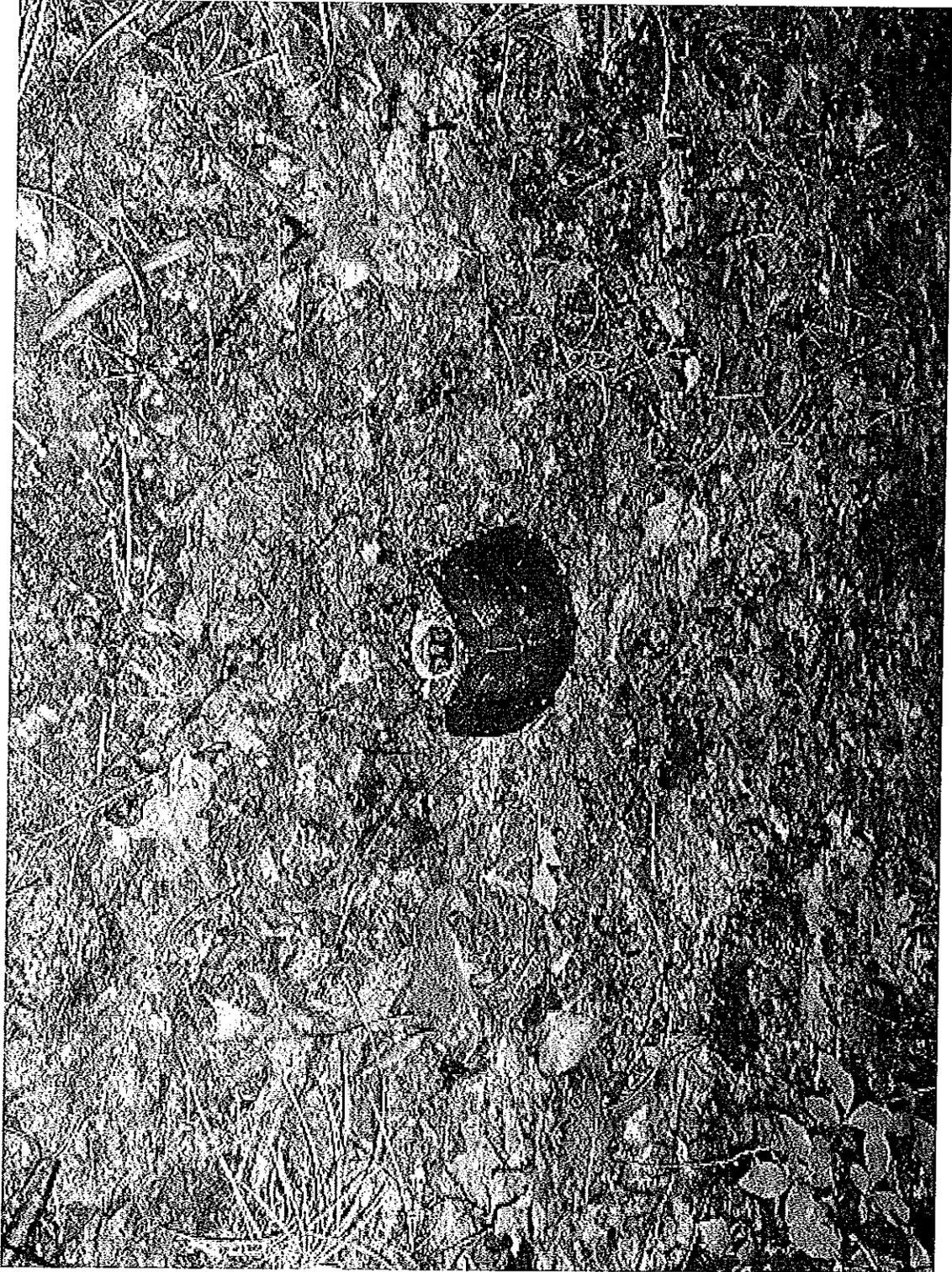
This evaluation is based on the most recent information available in the Natural Heritage database, which is constantly being expanded and updated through ongoing research and inventory. If you have any questions regarding this letter please contact Lauren Glorioso, Endangered Species Review Assistant, at (508) 389-6361.

Sincerely,

A handwritten signature in black ink that reads "Thomas W. French". The signature is written in a cursive style with a long, sweeping underline.

Thomas W. French, Ph.D.
Assistant Director

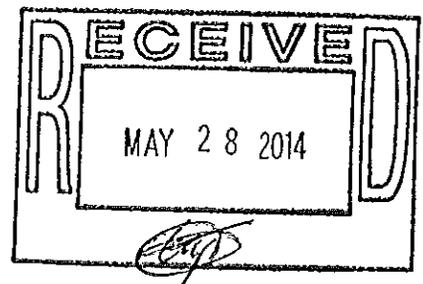




cc: PB
Cobbler's Knoll
minutes



TOWN OF UXBRIDGE
CONSERVATION COMMISSION
21 SOUTH MAIN STREET
UXBRIDGE, MASSACHUSETTS 01569
508-278-8600, ext. 2020



MEMORANDUM

To: Planning Board
From: Kristin Black (Conservation Administrator) *Kristin Black*
Date: May 27, 2014
Re: Cobbler's Knoll (230 & 255 Chocolog Rd.), Special Permit Application under §400-30

The purpose of this memorandum is to provide comments to the Planning Board on the recently submitted plans (Preliminary Subdivision Yield Plan and Preliminary Subdivision Open Space Plan dated May 2, 2014) for a project known as Cobbler's Knoll at 230 & 255 Chocolog Road. The applicant is seeking preliminary subdivision approval for the development of 60 lots under the town's Conservation Design Development bylaw (§400-30).

Overview

Pursuant to MGL Ch. 40A §9A, many communities have adopted open space bylaws or ordinances such as Uxbridge's Conservation Design Development bylaw (§400-30; herein "bylaw"). These open space bylaws and ordinances allow "clustering" of houses on a portion of a parcel, while requiring the remaining land to be set aside as permanently protected open space, generally under the control of the municipality, a land conservation organization, or a homeowners' association. The following interests described in the purpose section of the bylaw are shared by the Conservation Commission: encourage the preservation of open land; enhance open space and forestry uses; protect community water supplies; protect the natural environment; and promote more sensitive siting of buildings and better overall site planning.

The Conservation Commission is strongly supportive of development in compliance with the bylaw. Based on a review of the submitted plans and with concurrence of the Conservation Commission, I recommend that the Planning Board require the following 4 items to be submitted prior to the approval of the preliminary subdivision plans:

Requirements

Pursuant to the Procedures Section (E) of the bylaw, the applicant must submit an existing site conditions plan and a development plan. These plans are necessary for the review of project under the bylaw.

1. The applicant shall submit a detailed existing site conditions plan in compliance with Section E(1) of the bylaw. The Conservation Commission is especially interested in the following required plan elements: general description of forest cover, stream and ponds, wetlands including vernal pools, and floodplains.
2. The applicant shall submit a development plan in compliance with Section E(2) of the bylaw. According to bylaw "This [development] plan shall be the basis of the Planning Board's determination for the maximum number of dwelling units to be allowed in the subdivision."

Determination of Density

The applicant submitted a plan entitled "Preliminary Subdivision Yield Plan" dated May 2, 2014 (herein "Yield Plan"). The Yield Plan shows 55 lots. According to Section F of bylaw, "The basic number of lots for single family detached houses in a Conservation Design Major Development shall be that number of lots which could be developed on the Development Site in full conformance with all zoning, subdivision, and other state and local regulations normally applicable to the creation and development of lots for single-family detached houses in the Agricultural zoning district, and without the need for extraordinary engineering measures [emphasis added]."

Proposed lots on the Yield Plan include both wetlands and Priority Habitat. The applicant has not submitted information to show full conformance of said lots. Therefore, in order to prove full conformance with state regulations, specifically the Wetlands Protection Act (WPA) and the Massachusetts Endangered Species Act (MESA), I recommend the following:

3. The applicant shall submit an Abbreviated Notice of Resource Area Delineation, WPA Form 4A, (ANRAD) to confirm the delineation of Bordering Vegetated Wetlands (BVW) on the site. Pursuant to Section E(2) of the bylaw, "Where wetland delineation is in doubt or dispute, the Planning Board shall require the applicant to submit to the Conservation Commission a request for a determination of applicability for concurrence of the wetland boundary." Although the bylaw references a Request for Determination of Applicability (RDA), the appropriate form for confirming the delineation of BVW is an ANRAD. Based on the response to the ANRAD and the proposed density plan, additional filings may be required to show full conformance with the WPA.
4. The applicant shall file with the Natural Heritage and Endangered Species Program (NHESP) for activities proposed within Priority Habitat. Proponents with projects and activities proposed within Priority Habitat of Rare Species must file with NHESP for review and approval. The NHESP is responsible for the regulatory protection of rare species and their habitats as codified under the Massachusetts Endangered Species Act (MESA) (M.G.L. c.131A).

Open Space Protection

Pursuant to Open Space Requirements (Section G) of the bylaw, "The required open space shall, at the owner's election and with the concurrence of the Town be conveyed to:" the Town or its Conservation Commission, a nonprofit organization, or a corporation/trust. The Conservation Commission strongly recommends that the land be conveyed to the Town, Conservation Commission or a nonprofit organization rather than a corporation or trust. Additionally, the Conservation Commission recommends that the applicant involve the entity proposed to hold the land early in the process and always before any permit conditions are finalized to ensure that any concerns are addressed.

For questions of comments regarding this Memorandum, please contact Kristin Black (Conservation Administrator at 508-278-8600 ext. 2020 or kblack@uxbridge-ma.gov.