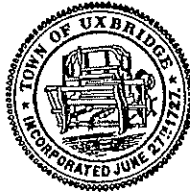


James Smith, Chair  
 Barry Desruisseaux, Vice Chair/Clerk  
 Joseph Leonardo, Member  
 Eli Laverdiere, Member  
 Barry Hauck, Member



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## PLANNING BOARD MEETING MINUTES WEDNESDAY September 12, 2018

Minutes of the Uxbridge Planning Board regularly scheduled meeting on **Wednesday, September 12, 2018**, at **7:00 P.M.** in the **Board of Selectmen Meeting Room, 21 South Main Street, Uxbridge, MA.**

**Present:**; Chair, James Smith; Vice Chair/Clerk, Barry Desruisseaux; Member Joseph Leonardo; Member Eli Laverdiere; Alternate Member, Barry Hauck  
**Absent:** Administrative Assistant, Lynn Marchand

### I. CALL TO ORDER

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

**Chair Announcement:** Alternative Member Barry Hauck has been appointed as a full Member.

### II. PUBLIC HEARINGS

*Continued from August 22, 2018, PH opened on 2/28/18*

- 1. FY18-08, Special Permit/Retreat Lot** – The applicant/owner of record, **Uxbridge Woods Realty Trust/Mark Foss, Trustee**, is seeking approval for a **Special Permit** to construct a single-family dwelling pursuant to Uxbridge Zoning Bylaws Section 400-32 – Retreat Lots. Property is located on **Eber Taft Rd. & Pond St.** The property is shown on the Town of Uxbridge Assessor's Map 33, A.P.O. Parcel 3073. The title to said land is recorded in the Worcester District Registry of Deeds Books 35868 & 34773, Pages 250 & 252 and Pages 7 & 9 (proposed Lot 11). Property is located in an Agricultural zoning district.  
 Representing the applicant, Mr. Stephen O'Connell of Andrews Engineering stated that his client had been in discussions with Town Counsel. He asked for one final continuance to the next Planning Board meeting, stating that if they were unable to reach an agreement, they would be asking to withdraw their application without prejudice. He provided the Board with a written request for the continuance  
*\*see Motion below Public Hearing #2*

*Continued from August 22 2018, PH opened on 2/28/18*

- 2. FY18-09, Special Permit/Retreat Lot** – The applicant/owner of record, **Uxbridge Woods Realty Trust/Mark Foss, Trustee**, is seeking approval for a **Special Permit** to construct a single-family dwelling pursuant to Uxbridge Zoning Bylaws Section 400-32 – Retreat Lots. Property is located on **Eber Taft Rd. & Pond St.** The property is shown on the Town of Uxbridge Assessor's Map 33, A.P.O. Parcel 1485. The title to said land is recorded in the Worcester District Registry of Deeds Books 35868 & 34773, Pages 250 & 252 and Pages 7 & 9 (proposed Lot 9). Property is located in an Agricultural zoning district.  
**\*MOTION I: to continue the public hearings 1 & 2 to September 26<sup>th</sup> made by Mr. Desruisseaux.**  
**Motion was seconded by Mr. Leonardo. Motion carried 5-0-0.**
- 3. FY19-03, Definitive Subdivision Application** - The Owner and applicant of record, **ARIS Group, LLC/Odisefs Tsimogiannis**, is seeking approval of a **Definitive Subdivision Plan to create 23 Residential Building Lots, Elmdale Estates and (1) parcel of land**, which is not to be considered a building lot, to be served by the extension of Old Elmdale Road and the creation of **two roadways** having a total centerline length of 2,375± linear feet. Property is located on **0 Old Elmdale Road, Uxbridge, MA.** The property is shown on the Town of Uxbridge Assessor's Map 25, Parcel 3979. The



## PLANNING BOARD MEETING MINUTES September 12, 2018 continued

title to said land is recorded in the Worcester District Registry of Deeds Book 55344 Page 172 and is free of encumbrances. Property is located in Residential A Zone.

The Chairman opened the FY19-03 Public Hearing. The Vice Chair requested that FY19-04 be opened at the same time. The Chair granted the request.  
*See Public Hearing #4 for further commentary.*

4. **FY19-04 Exportation Application** - The Owner and applicant of record, **ARIS Group, LLC/Odisefs Tsimogiannis**, is seeking approval of an **Exportation Permit** to perform earthwork with project design results/volume estimate to be **621,381 cubic yards of cut, 35,640 cubic yards of fill with a net result of 585,741 cubic yards of cut**. Property is located on **0 Old Elmdale Road, Uxbridge, MA**. The property is shown on the Town of Uxbridge Assessor's Map 25, Parcel 3979. The title to said land is recorded in the Worcester District Registry of Deeds Book 55344 Page 172. Property is located in Residential A Zone.

Representing the applicant, Mr. Stephen O'Connell of Andrews Engineering described the approximate 30 acre property and surrounding properties including access, the 2 rivers abutting the property (West River & the Blackstone River), wetlands, flood plain, and groundwater protection overlay district. He stated that his client was proposing a new road that extends the terminus of Old Elmdale Road to a cul de sac, which would extend into another road that would terminate into a cul de sac, with a 3<sup>rd</sup> road extending out of that road and terminating into another cul de sac.

He gave a brief historical overview of the former proposed uses of property; a proposed 40B project that never came to fruition, a proposed gravel removal operation, and currently a proposed subdivision in conjunction with an exportation permit.

Parcel A, that would be created, was stated to be for legal access for an abutting neighbor that has a substantially constructed house with no frontage. Parcel A would be intended to provide legal/retreat lot access to that neighbor.

Mr. O'Connell stated the stormwater consisted of catch basins to closed pipes with manholes to infiltration basins. He described the soils as very good, high infiltration soils. He also stated that soil testing was done to determine groundwater elevations.

Board members asked about the width of the existing road and could it be widened to accommodate trucks and cars during the construction and gravel removal. They also commented that the trucks and trailers involved in the gravel removal on the existing road would cause damage to the road. Mr. O'Connell stated there were areas as narrow as *16-18 feet* and it appeared that the road could be widened with some coordination with DPW.

Public water and the subdivision will be serviced by hydrants.

Mr. O'Connell stated that he would be making revisions based on Graves initial review and comments received from the Conservation Commission.

The Chair opened the public hearing for comments. Abutter concerns: Elmdale Rd was never discontinued, road ownership, common boundaries and proposed activity, safety concerns with gravel removal, flood plain, wetlands, width of the existing road, hours of operation in relation to safety of children getting on and off the busses as well as walking down the narrow roads after being dropped off, an old easement, impact to surrounding neighbors, construction controls to safeguard abutters during gravel removal, excavation and construction oversight, quality of soil being brought in, pollution, traffic, owner/title issue with a "way in existence" located in proposed project with Old Still Corner Road/Old Elmdale Rd (status unknown) running through a proposed dwelling. Mr. O'Connell stated that his client owned both sides of the road, that there was no lay-out of the road and that it was a "Way in existence". He discussed what could be done with the road by his client so long as access to the road was not restricted. He stated that his client could move, improve, and relocate the roadway.

One abutter asked how much gravel was proposed to be removed. Mr. O'Connell quoted the amount stated on the Plans as 585,741 cubic yards. Another abutter stated that there was no "builder", only a land developer/ARIS Group and expressed concern that the developer would remove all the gravel and abandon the project leaving empty, open lots with no ground cover. The Board discussed conditions of approval that could be added to the Exportation/Gravel Removal permit. The Abutter asked about oversight. The Board stated the ZEO would respond to complaints. The abutter also suggested a traffic



**PLANNING BOARD MEETING MINUTES  
September 12, 2018 continued**

study and asked about seeing the 3<sup>rd</sup> party engineer's reports. The Board advised him to see the Planning Board Admin. Another abutter asked about Lot sizes which Mr. O'Connell reviewed with him. Discussion was had regarding restoration, landscaping, and stabilization. Mr. O'Connell stated he estimated 5 years to complete the gravel removal and final build-out.

**MOTION I: to continue the subdivision application for ARIS group and the exportation application for ARIS group until October 10<sup>th</sup> made by Mr. Desruisseaux. Motion was seconded by Mr. Leonardo. Motion carried 5-0-0.**

**III. BUSINESS**

**1. ANR -FY19-05, 46 & 56 Willow Lane FY16-21**

Representing the owner, Mr. Stephen O'Connell of Andrews Engineering stated that the owner's driveway overlapped the neighbor's property so they are reconfiguring the driveway around the encroachment at this time due to the fact that they are selling their house.

**MOTION I: to endorse the ANR for the division of land, 46 and 56 Willow Lane Theresa Connor Kathleen Gauthier made by Mr. Desruisseaux. Motion was seconded by Mr. Hauck. Motion carried 5-0-0.**

*Mr. Desruisseaux recused himself*

**2. FY16-21, Autumn Vista/Ridgewood Estates, Rifleman Way & Brady Court**

- a. 8/29/18 Graves Engineering Construction Estimate
- b. Tripartite Agreement & Lot Releases

Representing Rifleman Properties, LLC, Mr. Chad Boardman of Eastland Partners reviewed with the Board that in June they had requested and been granted a bond reduction for Rifleman Way. He stated that they had finished the road for Brady Court and provided an updated Tripartite for the amount Graves Engineering had stated for their updated construction estimate.

**MOTION I: to accept Graves input for the Tri-party amount and agree to the total sum of \$496,572 made by Mr. Leonardo. Motion was seconded by Mr. Laverdiere. Motion carried 4-0-0.**

*Mr. Desruisseaux returned to the meeting*

**3. Mountainview Estates**

- a. 08/03/18 Project update, Graves Engineering
- b. 08/28/18 Graves email, sign-off
- c. Determination of Completeness
- d. Bond reduction/release request

Presenting to the Board was Mark Arnold of Goddard Consulting representing Larry Hill of Hill Financial. Mr. Hill stated the private road has been fully construction for over a year. He informed the Board that there was an OOC with the Conservation Commission and a Certificate of Compliance which was confirmed, issued, and duly recorded with the Worcester Registry of Deeds on the Conditions of the Roadway. He acknowledged that there are two Lots on the roadway, off to the side that are still under construction that have separate Conservation permits. He stated road construction, utilities, and functions had been functioning for over a year. He stated that they had done maintenance to the drainage basins to address the way it was draining per Graves' comments which Graves had satisfactorily confirmed. Mr. Arnold, on behalf of the proponent, requested a release of the surety; Irrevocable Letter of Credit.

The Chairman gave a summary of the request and the history of the project for the newer Board members. He stated that the proponent was seeking a Determination of Completeness and Bond release. As it was a private road, they built it to the standards for which it was approved by the



**PLANNING BOARD MEETING MINUTES**  
**September 12, 2018 continued**

Planning Board. It was never intended to become a public road. He stated that initially it was designed as a conventional roadway but after road construction began it became known that they could never make it conform to Town road standards due to grading and sloping issues nor conventional stormwater management due to ledge so they modified the application to have it be a private instead of a public way. Stormwater issues were addressed over a period of years.

**MOTION I: for Mountainview Estates for a Determination of Completeness of the roadway made by Mr. Desruisseaux. Motion was seconded by Mr. Leonardo.**  
**Motion carried 5-0-0.**

**MOTION II: to release the rest of the Bond for Mountainview Estates for \$4,370.00 made by Mr. Desruisseaux. Motion was seconded by Mr. Leonardo.**  
**Motion carried 5-0-0.**

*Mr. Hauck recused himself.*

**4. Ledgemere, Crownshield Ave**  
a. Lot Releases 1-35

The Chairman stated that an Attorney had contacted the Planning Office asking for Lot Releases on Crownshield as the original Lot Releases for Lots 1-35 could not be located/were not recorded. The Chairman stated that the houses couldn't have been built nor have gotten mortgages unless the Lots had been released previously. He also confirmed that the road had been completed and that Lots had been sold which could not have happened unless the Lots had been previously released. He reiterated that the Attorney stated they could not find it. He told the Board that the Attorney was requesting that the Board issue a new Certificate of Release from the Covenant for Lots 1-35. Mr. Laverdiere commented that the project was started in 1986.

**MOTION I: to sign Lot Releases for Ledgemere/Crownshield Ave for Lots 1-35 made by Mr. Desruisseaux. Motion was seconded by Mr. Leonardo.**  
**Motion carried 4-0-0.**

*Mr. Hauck returned to the meeting.*

*Mr. Smith recused himself.*

**5. Tucker Hill Estates, Maslow's Way**  
a. Surety

Representing TTK Real Estate, Mr. Stephen O'Connell of Andrews Engineering, discussed the surety reduction request, the amount of the loam currently stockpiled on the property, and what is included in the bond construction estimate. Mr. O'Connell stated they were seeking a revised total of \$112,854. The Board reviewed the information and had discussion regarding the road construction requirements and that there was twice the amount needed of loam currently stockpiled on the property.

**MOTION I: for Tucker Hill Estates Phase 2 Maslow's Way to reduce the bond amount to \$112,854 as recommended by the engineer from Andrews Engineering made by Mr. Leonardo.**  
**Motion was seconded by Mr. Laverdiere. Motion carried 3-0-1. Mr. Desruisseaux abstained.**



PLANNING BOARD MEETING MINUTES  
September 12, 2018 continued

*Mr. Smith returned to the meeting*

IV. MINUTES/MAIL/INVOICES

1. 08/08/18 Meeting Minutes

**MOTION I: to accept the Minutes of August 8, 2018 made by Mr. Laverdiere. Motion was seconded by Mr. Desruisseaux. Motion carried 3-0-0.**

2. 08/22/18 Meeting Minutes -passed over

3. Invoices (over \$600) -signed/authorized by the Chairman

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

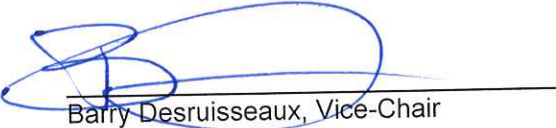
VI. ADJOURNMENT: NEXT PLANNING BOARD MEETING, WEDNESDAY, September 26, 2018.

**MOTION I: to adjourn made by Mr. Desruisseaux. Motion was seconded by Mr. Leonardo. Motion carried 5-0-0.**

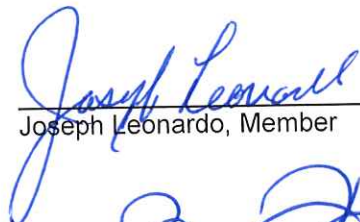
**The Meeting was adjourned at approximately 8:35 p.m.**

Planning Board Signatures

  
James Smith, Chairman

  
Barry Desruisseaux, Vice-Chair

  
Eli Laverdiere, Clerk

  
Joseph Leonardo, Member

  
Barry Hauck, Alternate Member

  
Date