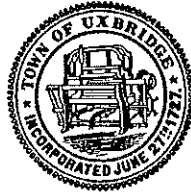


James Smith, Chair  
Barry Desruisseaux, Vice Chair/Clerk  
Joseph Leonardo, Member  
Justin Piccirillo, Member  
Eli Laverdiere, Member  
Barry Hauck, Alternate Member



Uxbridge Town Hall  
21 South Main Street, Room 205  
Uxbridge, MA 01569  
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**PLANNING BOARD MEETING MINUTES  
WEDNESDAY  
July 11, 2018**

Received by  
Uxbridge  
Town Clerk

Minutes of the Uxbridge Planning Board regularly scheduled meeting on **Wednesday, July 11, 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, Justin Piccirillo; Member Eli Laverdiere; Alternate Member, Barry Hauck; Also present: 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.

**II. PUBLIC HEARINGS**

*Public Hearings 1, 2, & 3 were heard simultaneously.  
Continued from June 27, 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.
  - a. Financial Issue resolution 4/10/18
  - b. Town Counsel's email 3/1/18 re: cleanup plan due 4/10/18
  - c. Applicant has requested a continuance*\*see Public Hearing item #2 for Motion.*

*Continued from June 27, 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.
  - a. Financial Issue resolution 4/10/18
  - b. Town Counsel's email 3/1/18 re: cleanup plan due 4/10/18
  - c. Applicant has requested a continuance

**MOTION I: to continue the 2 Public Hearings [FY18-08 & FY18-09] both of them are Retreat Lots for Uxbridge Woods Realty Trust made by Mr. Desruisseaux. Motion was seconded by Mr. Leonardo. Motion carried 5-0-0.**



**PLANNING BOARD MEETING MINUTES**  
**July 11, 2018 continued**

*Continued from June 27, 2018, PH opened on 2/28/18*

3. **FY18-10, 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 1541. 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 1). Property is located in an Agricultural zoning district.
- a. Financial Issue resolution 4/10/18
  - b. Town Counsel's email 3/1/18 re: cleanup plan due 4/10/18

Representing the applicant, Mr. Stephen O'Connell of Andrews Survey & Engineering distributed a letter from Berkowitz Trucking to Ed Renaud showing a price estimate for the tire removal on Eber Taft Road. Mr. O'Connell reviewed the details of the settlement agreement including the back taxes that he stated were paid and discussed the condition of the removal of solid waste for Lot 1. He read from the settlement agreement language referencing the requirements and due dates of the requirements. He requested that Board approve the Special Permit for the Retreat Lot for Lot 1, which he stated was accessible from the improved portion of Eber Taft Road. He further stated they were happy to accept a condition of approval stating no building permit could issue until the removal takes place and is inspected by the Board or 3<sup>rd</sup> party.

The Board asked questions and discussion was had regarding soil testing, how deep the tires were in the ground, the lack of a detailed clean-up plan as stated in the settlement agreement, no signed contract for the clean-up; only a price estimate. Mr. O'Connell stated no soil testing was done and that he believed the tires were on the ground and not under it.

The Board asked about Mr. O'Connell going before the Board of Selectmen since they were the signers of the Settlement Agreement. Mr. O'Connell stated he was okay with the BOS weighing in on the details [to ensure the requirements of the agreement were satisfactorily met]. Mr. Smith stated that the Planning Board was not part of the Settlement Agreement but since the Board is aware of it, he suggested that the Board could grant the Special Permit for the Retreat Lot but include Conditions that would restrict construction until the site had been cleaned up to the satisfaction of the Board of Selectmen per their Settlement Agreement. Decision language discussion was had stating that no building permit shall be issued on Lot 1, described in "Division of Land on Eber Taft Road" owned by Uxbridge Woods Realty Trust, until the terms of a settlement agreement between Uxbridge Woods Realty Trust and the Town of Uxbridge, dated 15 June 2017, are met to the satisfaction of the parties therein. No abutters were present that wished to speak to the application.

**MOTION I: to close the public hearing on the Special Permit Retreat Lot for Lot 1 Eber Taft Road made by Mr. Desruisseaux. Motion was seconded by Mr. Piccirillo. Motion carried 5-0-0.**

The Board decided to wait until the next meeting to make the Motion for the Decision when they had a draft copy in front of them. Mr. O'Connell submitted a check for engineering review fees.

### **III. BUSINESS**

*Mr. Piccirillo recused himself.*  
*PH closed 5/23/18*

1. **FY18-12 Special Permit Application/Solar** - The **Owner of record, Mr. Richard Hurteau** and the **Applicant, ZPT Energy Solutions, LLC/Ernest Mello**, are seeking a **Special Permit** to construct a ground mounted 3.0MW (AC) photovoltaic solar array, associated equipment, an access driveway, fencing, and stormwater management system. Property is located at **Quaker Street, Uxbridge, MA.** The property is shown on the Town of Uxbridge Assessor's Map 051, Parcel 2341. The title to said land is recorded in the Worcester District Registry of Deeds Book 17112, Page 323; Property is located in an agricultural zone.
- a. Decision draft -revised



## PLANNING BOARD MEETING MINUTES July 11, 2018 continued

The Board reviewed the Decision draft. Discussion was had regarding Uxbridge and Millville frontage requirements, and a deed restriction, protection of each Town's regulations, The Millville Town Planner, Ms. Hillary Carney, was in attendance and spoke to the Board. She stated that she was unaware that the Uxbridge PB was seeking any input from Millville. She stated that she stopped into the Planning Office and received information earlier that morning. She further stated that she would have provided Millville Planning Board information had she known.

Mr. Hurteau stated the Millville meeting had been extended to August 6<sup>th</sup>. He and Ms. Carney stated the reason for the meeting was for a Special Permit to access his land from his land for the solar project and also site plan approval, required by Millville's solar bylaw. Mr. Desruisseaux stated he felt the Decision condition language should be more specific language stating the applicant shall comply with all applicable laws, regulations, and permit conditions required by Millville including a Special Permit from Millville for access to the property and site plan approval. Ms. Carney stated there would be a temporary construction easement and a permanent easement. She also informed the Board that the main concerns of Millville were traffic, public safety with access through a high-end residential neighborhood with kids, and drainage issues. Also discussed at the Millville meeting was possible access elsewhere.

The Board decided to modify (see italicized) Condition 1 to read "The Owner/Applicant shall comply with all applicable laws, regulations, and permit conditions required by Uxbridge and *Millville's* Conservation Commission, Board of Health, Building Dept, Fire Dept, *Planning Board*, and all other departments and agencies for this project.

Ms. Carney stated that they were told in a public hearing that additional lots were going to be sold by Mr. Hurteau than what was stated to the PB. Discussion was had regarding the multiple changes proposed throughout the public hearing in terms of frontage and what properties were intending to be sold. Mr. Laverdiere stated that the Board should wait until after the Millville hearings which would address the easements and stormwater.

The Board decided to request the non-contiguous frontage issue and decision language to be sent to Town Counsel. The Chairman stated he would write something up. The Decision vote was stated to be postponed until the August 8<sup>th</sup> meeting.

### 2. King Street Estates

- a. Private Road Maintenance Agreement amendment
- b. 2017 Covenant Amendment
- c. 2007 Covenant Release Request

Attorney Wickstrom, representing the applicant, reviewed the existing decision, private maintenance agreement, and covenant. He noted to the Board that there were formatting and scrivener errors. He provided the Board with written amendments to correct them. He stated that Lot 1 belonged to the Riccas and that Lots 2, 3, & 4 were created with the cul-de-sac. Discussion was had regarding the driveway, access to their property, snow removal, and the private road. Attorney Wickstrom also brought to the Board's attention that for unknown reasons, the original 2007 covenant was never formally released. Discussion was had regarding the primary and accessory driveways, one with access from King St and the other from Ricca Way.

**MOTION I: to release the Covenant from July 21, 2007 made by Mr. Desruisseaux. Motion was seconded by Mr. Leonardo. Motion carried 5-0-0**

**MOTION II: to amend the decision for the private road maintenance agreement correcting the errors in paragraph 4 sentence 3 agreement, "will be obtained by the Trustee" was the missing language and paragraph 4 reference should be made to paragraph 10 not paragraph 13 as in the original made by Mr. Desruisseaux. Motion was seconded by Mr. Leonardo. Motion carried 5-0-0.**

**MOTION III: to amend the Covenant for the Form F Covenant to the Ricca's on February 16, 2017 and the original in the subdivision included Lot 1 which is the current home as well as Lots 2, 3, & 4; the error should be replaced with Lots 2-4 which are subject to the Covenant and not Lot 1 to made by Mr. Desruisseaux. Motion was seconded by Mr. Leonardo. Motion carried 5-0-0.**



**PLANNING BOARD MEETING MINUTES**  
**July 11, 2018 continued**

3. **Palomino Estates/Royal Steed Ct. –passed over**
  - a. 06/04/18 Letter requesting discussion of subdivision status
  - b. 12/04/13 PB extension denial letter
4. **Forefront Power**
  - a. Mylars

The Board signed the Mylars for Forefront Power. Solar project to be located on 0 S. Main St., 0 Depot St., and 25 Newell Rd.
5. **Spruce Hill Estates, Peter Street**
  - a. Discuss status of Spruce Hill Estates
  - b. Bond
  - c. Process –Town Counsel's comments 4/30/18, 5/1/18, 5/2/18
  - d. Discuss the process of taking the surety to complete the road and any action thereto

-Update: Notices were sent. Awaiting return-receipts.
6. **Third-party Engineering Review Company**
  - a. Emailed two engineering firms (used by Northbridge & Douglas)
  - b. Make a recommendation or allow additional time to hear back from other firms

-Waiting to hear back from other Towns
7. **Worcester Registry of Deeds PB member updates**
  - a. Sign

----- The Board filled in their individual information on the W.R.D.'s form.

**IV. MINUTES/MAIL/INVOICES**

1. **06/27/18 Meeting Minutes**

**MOTION I: to accept the Minutes of 6/27/18 made by Mr. Piccirillo. Motion was seconded by Mr. Leonardo. Motion carried 5-0-0.**
2. **Invoices (over \$600) None.**

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

- Mail received; notification of 61A land being sold on Henry St
- Mr. Piccirillo announced the 2018 Fall Annual Town Meeting warrant closes on August 24, 2018.

**VI. ADJOURNMENT: NEXT PLANNING BOARD MEETING, WEDNESDAY, July 25, 2018.**

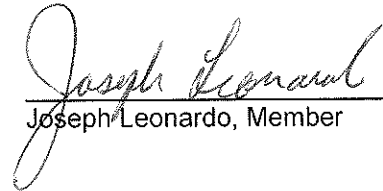
**MOTION I: to adjourn made by Mr. Piccirillo. Motion was seconded by Mr. Desruisseaux.**  
**Motion carried 5-0-0.**  
**The Meeting was adjourned at approximately 8:32 p.m.**



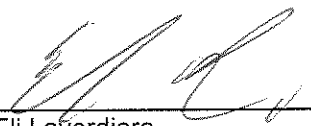
PLANNING BOARD MEETING MINUTES  
July 11, 2018 continued

Planning Board Signatures

  
James Smith, Chairman

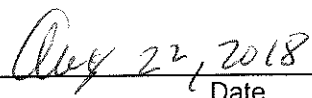
  
Joseph Leonardo, Member

Barry Desruisseaux, Vice-Chair/Clerk

  
Eli Laverdiere

Justin Piccirillo, Member

  
Barry Hauck, Alternate Member

  
Date