

T/C

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



Uxbridge Town Hall  
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Uxbridge, MA 01569  
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**PLANNING BOARD MEETING MINUTES  
WEDNESDAY  
January 9, 2019**

FEB 6 '19 PM 1:38

Minutes of the Uxbridge Planning Board regularly scheduled meeting on **Wednesday, January 9, 2019, 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; Clerk, Eli Laverdiere; Member, Barry Hauck.  
**Also present:** Town Planner Michael Gallerani and Administrative Assistant, Lynn Marchand.  
**Absent:** Member, Joseph Leonardo

Received by  
Uxbridge  
Town Clerk

**I. CALL TO ORDER**

**II. PUBLIC HEARINGS**

*Continued from December 19, 2018, PH opened on 9/12/18*

1. **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 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.
  - a. **CONTINUED PER APPLICANT REQUEST TO DECEMBER 12, 2018 MEETING DATE**  
\*see MOTION below Public Hearing #2

*Continued from December 19, 2018, PH opened on 9/12/18*

2. **FY19-04 Exportation Application 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.
  - a. **CONTINUED PER APPLICANT REQUEST TO DECEMBER 12, 2018 MEETING DATE**

**\*MOTION 1: to continue public hearings, for Elmdale Estates, for 1 and 2, until January 23, 2019 made by Mr. Desruisseaux. Motion was seconded by Mr. Hauck. Motion carried 4-0-0.**

*Continued from December 19, 2018, PH opened on 10/24/18*

3. **FY19-13, Special Permit/Retreat Lot – The owner, Cynthia LaFrance & applicant of record, Ron Parsons** are seeking approval for a **Special Permit** to construct a single-family dwelling pursuant to Uxbridge Zoning Bylaws Section 400-32 – Retreat Lots. Properties are located on **125 Stanphyl Road and 619 West Street.** The property is shown on the Town of Uxbridge Assessor's Maps 32 & 37, Parcels 3087 & 852. The title to said land is recorded in the Worcester District Registry of Deeds Books 44412 & 38891, Pages 370 & 177. Property is located in an Agricultural zoning district.

Representing the applicant, Mr. Stephen O'Connell of Andrews Engineering addressed the Board. The project was described as a Retreat Lot with an ANR to cut out the existing house Lot, convey it, build a house on the remaining lot, and construct a driveway accessing the new house via West Street. Photos and the GIS Map of the properties were submitted to the Board.



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The Board reviewed the revised 10-18-18 Plan. Mr. O'Connell stated the existing easement would not be used for Access. He said there were existing utilities and an existing utility easement. Mr. O'Connell addressed DPW's comments, regarding the impact that the project would have on the existing drainage easement, stating there would be no impact and the stormwater basin would not have to be altered as the railroad bed would be acting as one of the berms/the impoundment for the stormwater basin. He acknowledged the rare wildlife habitat but stated it was more of a Conservation issue and would likely not be denied as it was for the construction of a single family home. Discussion was had regarding the impact to drainage easements, the railroad bed acting as a berm for the stormwater basin (stream flows through a culvert under the railroad bed), endangered species on the property, the property having two garages, Uxbridge Zoning Bylaw §400-13b2, Zoning Bylaw §400-32J and the easement through the access way, work in the wetlands/buffer zones which would require permitting through the Conservation Commission, railroad bed/ownership, driveway being passable for EMS, access from West Street, and abutter concerns. Regarding the easement across the driveway area, the Chair stated it was an easement the owner had granted to someone else and not an easement that he was granted.

During deliberations, the Chair stated that no Building Permit should issue until the driveway is approved and constructed and passable by inspectors and first responders.

Abutters spoke and expressed concern regarding the history of the property/previous proposals denied by Boards, stormwater, utilities, the impact to surrounding properties, the 2 garages on one property, traffic, house location, iron pipe in the berm, berm ownership, public easements, and Conservation issues.

**MOTION I: to close the public hearing made by Mr. Desruisseaux. Motion was seconded by Mr. Laverdiere. Motion carried 4-0-0.**

**MOTION II: to grant the Special Permit for a Retreat Lot, for 125 Stanphyl Road 619 West Street with a Condition that a driveway needs to be constructed off of West Street prior to any Building Permits made by Mr. Desruisseaux. Motion was seconded by Mr. Hauck. Motion carried 4-0-0.**

**Mr. Desruisseaux added that the standard Retreat Lot Conditions of Approval should also be included in the Decision.**

*Mr. Desruisseaux recused himself.*

*Continued from December 19, 2018, PH opened on December 19, 2018*

4. **FY19-15 Definitive Subdivision Application - The Owner of record, 1025-1045 Quaker Highway Realty Trust, is seeking a Definitive Subdivision Approval to construct a five (5) lot industrial subdivision** including the construction of a roadway with grading, drainage, and utilities. Property is located on **1025 & 1045 Quaker Highway, Uxbridge MA**. The property is shown on the Town of Uxbridge Assessor's Map 56, Lots 2117 & 2853. The titles to said land are recorded in the Worcester Registry of Deeds Books 52700 Pages 79; Property is located in the Industrial Zone.
  - a. 12/27/18 Graves review

Representing the applicant, Mr. Stephen O'Connell of Andrews Survey & Engineering described the project as an industrial subdivision containing 5 Lots on approximately 13.7 acres of two existing properties at the rear of 2 existing properties; 1045/the larger building, 1025 is the smaller building recently constructed, and Parcel A which he stated was retained in between the two parcels as part of a master plan several years ago when the site was first developed and built. The driveway was said to be constructed at a pavement width that is in compliance with the subdivision regulations for industrial subdivisions so the land in the back would create an industrial development opportunity.

Applicant is proposing a roadway to be 950 feet to the end of the cul-de-sac, stopping before the wetlands. He said the properties would be serviced by private wells, septic systems, and natural gas. He described the stormwater basins on Lots 1 & 2 and stated there would be no basins on Lots 4 & 5



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unless developed in the future. He reviewed the roadway, driveway, steepness, possible future development of some of the lots, and the various aspects of the project design.

Mr. O'Connell informed the Board that they would be presenting to the Conservation Commission on January 22<sup>nd</sup> and coordinating with DPW regarding Enterprise Way becoming a Town Road in the future, which he acknowledged may require core testing and pavement measurements.

He stated he would be making revisions of the Plan based on Graves Engineering's comments after they meet with the Conservation Commission.

No members of the public wished to speak.

**MOTION I: to continue FY19-15, Definitive Subdivision Application on 1025 to 1045 Quaker Highway Realty Trust 23 January 2019 made by Mr. Hauck. Motion was seconded by Mr. Laverdiere. Motion carried 3-0-0.**

*Mr. Desruisseaux returned to the meeting.*

*Continued from December 19, 2018, PH opened on December 19, 2018*

5. **FY19-17, Special Permit Application** - The Owner of record, **Christopher Cowan**, is seeking a **Special Permit** to construct a new building for operation of a veterinary clinic. Property is located on **510 West Hartford Ave., Uxbridge, MA**. The property is shown on the Town of Uxbridge Assessor's Map 16, Parcel 3881. The title to said land is recorded in the Worcester District Registry of Deeds Book 44999, Page 242; Property is located in an agricultural zone.

Attorney Henry Lane, representing the applicant, gave a brief history of the property, formerly known as Bangma's Farm. He described the changes/modifications to the original plan. He corrected the submitted narrative saying the building would be 60 feet wide not 600 feet wide, would have a second level, and have approximately 7400 square feet of total area. Parking lot and entrances/exits will remain the same. He stated that they were asking for the same waivers as was previously asked, including a waiver from a traffic study.

The Board reviewed the previously granted waivers, buildings, changes to which tenant was going where, changes to the building designs, and discussed traffic which was stated to be staggered based on the existing and proposed business times of operation and varying peak times. Parking was also discussed.

One abutter that owns the front property spoke to the Board and expressed concerns regarding traffic. She asked about the easement on her property that is utilized by vehicles coming into the area and her septic that is under the easement.

The Chairman stated that there has always been traffic in the area, including prior to these businesses, and it's not likely to increase or decrease significantly.

**MOTION I: to close the public hearing made by Mr. Desruisseaux. Motion was seconded by Mr. Leonardo. Motion carried 4-0-0.**

**MOTION II: to grant the Special Permit for 510 West Hartford Ave with the waivers for engineering peer review, traffic study, environmental impact study, and community and fiscal impact study as previously (written) in the original special permit and whatever was written for conditions in the original special permit made by Mr. Desruisseaux. Motion was seconded by Mr. Laverdiere. Motion carried 4-0-0**

*Continued from December 19, 2018, PH opened on December 19, 2018*

6. **FY19-18, Special Permit/Retreat Lot Application** - The Owner of record, Herman R. Hathaway Realty Trust/Garrick Hathaway is seeking a **SPECIAL PERMIT to construct a single-family dwelling**. Property is located on **1012 Hathaway Lane, Uxbridge, MA**. The property is shown on the Town of Uxbridge Assessor's Map 47, Parcel 1556. The title to said land is recorded in the Worcester District Registry of Deeds Book 23030, Page 168. Property is located in an agricultural zone.



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Representing the applicant, Mr. Stephen O'Connell of Andrews Engineering addressed the Board. He reviewed the configuration of the Retreat Lot, in relation to the other 2 proposed Lots, the improved and unimproved portions of Hathaway Lane, and entrance access. He stated there were no Conservation areas in the proposed Retreat Lot.

One resident expressed concern about the wetlands and stormwater. Mr. O'Connell stated they had a wetlands scientist review the property and no conservation area was noted.

The Board reviewed the Retreat Lot Bylaw criteria and site plan.

**MOTION I: to close the public hearing made by Mr. Desruisseaux. Motion was seconded by Mr. Hauck. Motion carried 4-0-0.**

**MOTION II: to grant the Special Permit for 1012 Hathaway Lane with standard Conditions made by Mr. Desruisseaux. Motion was seconded by Mr. Laverdiere. Motion carried 4-0-0**

**III. BUSINESS**

**1. Autumn Vista/Ridgewood Estates –Rifleman Way & Brady Court**

- a. Stormwater management discussion & take any action thereto –see summary below
- b. 12/11/18 Graves Engineering Revised Construction Estimate –passed over
- c. 12/20/18 Graves Engineering Stormwater Memo -reviewed
- d. Determination by the PB of payer of 12.20.18 invoice -resolved

Mr. Phil Coraccio of Eastland Partners and Mr. Stephen O'Connell of Andrews Survey & Engineering addressed the Board regarding the ongoing stormwater issues.

They stated they had reviewed the complaints, pictures, and video that were submitted. One Board member asked what could be done right now to address the drainage issues onto the abutting properties.

The following options were discussed: basin needing to be cleaned/silt build-up (after construction phase), soil testing to verify the groundwater elevation, temporary and permanent solutions, expanding the basin, discharge pipe to channel the stream, pumping water out, waddles on abutter properties thru to the Spring since the area can't be stabilized properly in the winter, and working with abutters to resolve individual stormwater issues.

The Board expressed concerns regarding ice then rain as well as damage to others' properties. A few members of the Board stated they had viewed the site. Mr. O'Connell stated that historically there have been drainage issues in the area as further evidenced by the catch basin found in the woods and stormwater water drainage patterns found.

One abutter spoke to the Board regarding his property's stormwater issue due to the development and stated that his neighbor had to empty out his septic twice due to the stormwater issue since the construction of the (Autumn Vista) development.

Mr. Coraccio stated he would meet with the abutting property owners to address individual concerns and Mr. O'Connell stated they wanted to make things right.

**2. FY19-16, Stanphyl Road & West Street –ANR**

Mr. O'Connell of Andrews Survey & Engineering described the ANR as combining two parcels to make two different parcels. He reviewed the configuration details with the Board. The ANR was in relation to the Retreat Lot Special Permit application.

**MOTION I: to endorse the ANR for Stanphyl Road/West Street for a Plan of Land on Stanphyl Rd. in Uxbridge owned by Cynthia M. LaFrance, Stanphyl Road Irrevocable Trust. Motion was seconded by Mr. Hauck. Motion carried 4-0-0.**



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**3. FY19-17, 183 & 197 Providence Street –ANR**

Representing the applicant, Mr. Ken Lacourse of Pro-Tech Energy Solutions, stated that the reason for the ANR was to revise the Lot lines due to the surveying being off from the original. It was found during clearing of the vegetation in the easement when new markers were found.

**MOTION I: to endorse the ANR for 183 & 197 Providence Street made by Mr. Desruisseaux. Motion was seconded by Mr. Hauck. Motion carried 4-0-0.**

*\*The Chair called a 5-minute recess*

**4. FY19-20, 1012 Hathaway Lane -ANR**

Representing the applicant, Mr. Stephen O'Connell of Andrews Survey & Engineering addressed the Board. He stated 2/3 of the land would be on the unimproved portion of the road but access is through the improved portion. He stated the ANR was for two Lots (#5 & #7 on the site plan) and one Retreat Lot) Constructive frontage was acknowledged by the Board/access through the cul-de-sac, allowing access for Responders.

**MOTION I: to endorse the ANR for the division of land 1012 Hathaway Lane in Uxbridge, Herman R. Hathaway Realty Trust Lot 5 & Lot 7 made by Mr. Desruisseaux. Motion was seconded by Mr. Laverdiere. Motion carried 4-0-0.**

**5. FY19-14, Eber Taft Road –Road Improvement site plan review**

**a. Graves Review –next meeting**

Representing the applicant, Mr. Stephen O'Connell of Andrews Survey & Engineering addressed the Board, reviewed the history of proposed development discussed with the Planning Board. Tire clean-up was discussed. The Chair asked that it be reviewed by FD & DPW.

**6. Forest Glen:**

**a. Permit extension**

The Chair stated that construction had begun and thus the permit had not expired.

**b. LAU binder review –no action taken**

*PH closed on 12/19/18*

**7. FY19-08, Special Permit Application - The Owners and applicants of record, TDJ Materials, LLC and Gerald A. & Mary L. Lemire, are seeking a SPECIAL PERMIT to construct self-storage units totaling 102,000± square feet within the Waucantuck Adaptive Reuse Overlay District. Property is located on 300 Mendon Street, Uxbridge, MA. The property is shown on the Town of Uxbridge Assessor's Map 19, Parcels 2413, 2467, & 2475. The title to said land is recorded in the Worcester District Registry of Deeds Books 46744, 49951, & 45280 Pages 1217, 357, and 83. Property is located in Residential B Zone.**

**a. Decision draft discussion**

**b. Town Counsel remarks**

The Planning Board reviewed and edited the Decision draft; remove hours of operation, change construction hours to 6am to 6pm Monday thru Friday and Saturdays 8am-4pm.

*PH closed on 12/19/18*

**8. FY19-12, Special Permit/Retreat Lot – The owners/applicants of record, Denis J. Dorr & Frances L. Dorr, are 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 175 Hartford Ave West. The property is shown on the Town of Uxbridge Assessor's Map 11, Parcel 3736. The title to said land is recorded in the Worcester District Registry of Deeds Book 59552, Page 36. Property is located in Residence-C zone**



**PLANNING BOARD MEETING MINUTES**  
**January 9, 2019 continued**

**a. Decision draft -incomplete**

Discussion was had regarding the language of the previous meeting's Motion.  
The following votes were taken as a result:

**MOTION I: to grant the Special Permit for the Retreat Lot of 175 Hartford Ave West made by Mr. Desruisseaux. Motion was seconded by Mr. Hauck. No vote.**

**MOTION II: to retract Barry's last Motion. Motion was seconded by Mr. Hauck. Motion carried 4-0-0.**

**MOTION III: to retract the Motion from the meeting of December 19<sup>th</sup> and reword it made by Mr. Laverdiere. Motion was seconded by Mr. Desruisseaux. Motion carried 4-0-0.**

**MOTION IV: to grant the Special permit for a Retreat Lot for 175 Hartford Ave West made by Mr. Desruisseaux. Motion was seconded by Mr. Laverdiere. Motion carried 4-0-0.**

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

**V. MINUTES/MAIL/INVOICES**

**1. 12/17/18 Joint Executive Session Meeting Minutes**

**MOTION I: accept the 12/17/18 Executive Session Minutes made by Mr. Laverdiere. Motion was seconded by Mr. Desruisseaux. Motion carried 4-0-0.**

**2. 12/19/18 Meeting Minutes**

**MOTION I: to accept the Planning Board Minutes of 12/19/18 made by Mr. Laverdiere. Motion was seconded by Mr. Hauck. Motion carried 4-0-0.**

**3. Invoices (over \$600) –The Chair signed multiple invoices.**

**VI. ADJOURNMENT: NEXT PLANNING BOARD MEETING, WEDNESDAY, January 23, 2019**

**MOTION I: to adjourn made by Mr. Laverdiere. Motion was seconded by Mr. Hauck. Motion carried 4-0-0.**

**The Meeting was adjourned at approximately 9:50 p.m.**

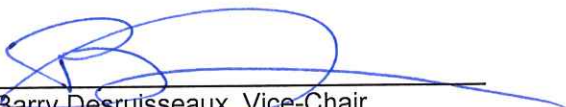





**PLANNING BOARD MEETING MINUTES**  
**January 9, 2019 continued**

**Planning Board Signatures**

  
\_\_\_\_\_  
James Smith, Chairman

  
\_\_\_\_\_  
Barry Desruisseaux, Vice-Chair

  
\_\_\_\_\_  
Eli Laverdiere, Clerk

Absent

\_\_\_\_\_  
Joseph Leonardo, Member

\_\_\_\_\_  
Barry Hauck, Member

January 23, 2019  
\_\_\_\_\_  
Date