

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
October 10, 2018**

Minutes of the Uxbridge Planning Board regularly scheduled meeting on **Wednesday, October 10, 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; Member, Barry Hauck. Also present was Town Planner Michael Gallerani and 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

Continued from September 26, 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.
*see MOTION under PUBLIC HEARINGS #2**

Continued from September 26, 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.**

MOTION I: to continue Public Hearings #'s 1 & 2 to November 14th made by Mr. Desruisseaux. Motion was seconded by Mr. Leonardo. Motion carried 5-0-0.

- 3. Warrant Articles re: Zoning Bylaw change & Citizen's Petition.
Non-binding vote of favorable/unfavorable action.**

ARTICLE 5: AMEND THE ZONING BYLAWS FOR MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA TREATMENT CENTERS

To see if the Town will vote to increase the number of marijuana facilities (excluding retailers and medical treatment centers) to twelve (12) as outlined in the zoning bylaw §400-23, Marijuana establishments, and medical marijuana treatment centers, section



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A. Number of Marijuana Establishments and Medical Marijuana Treatment Centers increase the number of marijuana facilities (excluding retailers and medical treatment centers) to nine as shown below:

1. The maximum number of marijuana retailers shall be no more 20 per cent the total number of licenses which have been issued within Uxbridge for the retail of alcoholic beverages not to be drunk on the premises for the preceding fiscal year, or three in total, whichever the greater.
2. The maximum number of marijuana cultivators, marijuana testing facilities, research facilities, marijuana product manufacturer or any other type of licensed marijuana-related business (exclusive of marijuana retailers or marijuana treatment centers) shall be no more than **three** in total.
3. The maximum number of medical marijuana treatment centers shall be no more than three.

Or take any other action related thereto.

SPONSOR: Board of Selectmen

COMMENTARY:

This article changes the number of dispensing and cultivation facilities from 3 to 12 in total; The town has had an increase of businesses requesting community host agreements beyond the allotted 3. A yes vote would allow the town to determine a more accurate representation of the different types of facilities.

Move that the Town vote to increase the number of marijuana facilities (excluding retailers and medical treatment centers) to twelve (12) as outlined in the zoning bylaw §400-23, Marijuana establishments, and medical marijuana treatment centers, section

B. Number of Marijuana Establishments and Medical Marijuana Treatment Centers

1. The maximum number of marijuana retailers shall be no more 20 per cent the total number of licenses which have been issued within Uxbridge for the retail of alcoholic beverages not to be drunk on the premises for the preceding fiscal year, or three in total, whichever the greater.
2. The maximum number of marijuana cultivators, marijuana testing facilities, research facilities, marijuana product manufacturer or any other type of licensed marijuana-related business (exclusive of marijuana retailers or marijuana treatment centers) shall be no more than **twelve (12)** in total.
3. The maximum number of medical marijuana treatment centers shall be no more than three.

Vote required for passage: requires a 2/3 majority, per G.L. c. 40A, §5

Presenting on behalf of the Board of Selectman, Susan Franz spoke to the Board and answered questions regarding the Article.

She stated that over the past 6 months since the Spring Town Meeting when the Bylaw was passed there has been a lot of interest citing they have had 7 licenses that have been requested from 5 organizations.

She described the 3 categories: Category 1-adult use, Category 2-everything else Category 3-medical. She stated the Article was for an increase in category 2, trending as the fastest growing category in the Commonwealth and the category where the BOS had received the most requests. She stated that currently the B.O.S. have more requests than allowed licenses under the current Bylaw which she stated as the reason for putting forth the Warrant Article. She stated that some businesses require more than one type of license.

The Board asked questions regarding the licensing process, categories of use, and the Warrant Article. Discussion was had with Selectman Susan Franz.

No members of the public wished to speak to the Article.

MOTION I: to close the public hearing for ARTICLE 5 made by Mr. Desruisseaux. Motion was seconded by Mr. Laverdiere. Motion carried 5-0-0.



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MOTION II: to give FAVORABLE ACTION on Article 5 to amend the Zoning Bylaw for marijuana establishments made by Mr. Desruisseaux. Motion was seconded by Mr. Leonardo. Motion carried 5-0-0.

ARTICLE 7: CITIZEN'S PETITION – STREET ACCEPTANCE: WALNUT GROVE STREET

To see if the Town will vote to accept as a public way the street known as Walnut Grove Street 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 of which public ways are used in the Town; or take any other action relating thereto.

The Petitioner, John Palmer, spoke to the Board. He affirmed that the remaining work to the sidewalks, handicapped ramp, loaming and seeding had been completed. He stated that he had met with the DPW director who confirmed there were no other outstanding issues. The Board viewed the submitted pictures of the newly installed handicap ramp. Another member acknowledged that he drove by the street multiple times and had viewed the completed work.

No members of the public wished to speak to the Petition.

SPONSOR: Citizen's Petition

MOTION I: to close the public hearing for Article 7 Citizen's Petition for Walnut Grove made by Mr. Desruisseaux. Motion was seconded by Mr. Hauck. Motion carried 5-0-0.

MOTION II: to vote FAVORABLE ACTION on ARTICLE 7 Walnut Grove Street Acceptance made by Mr. Desruisseaux. Motion was seconded by Mr. Leonardo. Motion carried 5-0-0.

III. BUSINESS

1. Scoping session: 374 Hazel Street, informal discussion regarding future solar project

A representative for the Solar Provider Group, a Canadian solar provider, described the preliminary project design as a 1.25 megawatt solar array on 6.3 acres of the 40 acre Lot. The existing conditions of the property included a transmission line to the left with an approximately 15' easement, setback of 40', no wetlands or priority habitat affected in the area, and is located in the agricultural zone. The Board discussed and asked questions regarding access, if the property would remain attached to the lot with the dwelling on it, possibility of a future retreat lot, tree clearing, and shading.

-The Board signed the Determination of Completeness for Mountainview Estates that was on voted upon at a previous meeting.

-The Board signed the signature page of the Planning Board Memo reflecting their recommendations for the 2018 FATM warrant article and citizen's petition reviewed by the Board.

IV. MINUTES/MAIL/INVOICES

1. 08/22/18 Meeting Minutes

MOTION I: to accept the Meeting Minutes of 8/22/18 made by Mr. Leonardo. Motion was seconded by Mr. Laverdiere. Motion carried 4-0-1.

2. 09/12/18 Meeting Minutes

MOTION I: to accept the Meeting Minutes of 9/12/18 made by Mr. Desruisseaux. Motion was seconded by Mr. Laverdiere. Motion carried 5-0-0.



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3. 09/26/18 Meeting Minutes

MOTION I: to accept the Meeting Minutes of 9/26/18 made by Mr. Leonardo. Motion was seconded by Mr. Desruisseaux. Motion carried 5-0-0.

4. Invoices (over \$600) The Board reviewed and the Chair signed/authorized payment of multiple invoices.

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

The Board had general discussion with the Town Planner and gave feedback regarding the new "Project Review Team/PRT" report. The Planner stated instead of multiple emails and reports from the various depts. boards, committees, and commissions, it would be consolidated into one report. The Board expressed concern about certain depts. commenting on areas outside of their jurisdiction, not having the actual written feedback from each dept. and only having the summary. Also expressed was concern regarding multiple meetings to review each project as it's received and throughout the public hearing review phase as well as having certain projects not needing every department depending on the specifics of the project. The Board also expressed concerns that the application process may be delayed due to the project team review meeting schedule. The Planner stated that the report was to make it easier for the Board by having one report as opposed to multiple reports from the various depts. etc.

The Vice Chair discussed issues they've had in the past with Planners that circumvented the Board's authority; shunning certain projects or making it more difficult for project proponents based on their personal like or dislike of a proposed project rather than whether or not the project adhered to the rules and regulations as well as the laws and bylaws.

The Chair pointed out that with subdivisions, a preliminary plan is strongly encouraged so the Board can provide input. The Planner stated that the reason for the PRT was more for the commercial side of things rather than the subdivision side in order to provide feedback. The Chair referenced a recent project where that was done to elicit feedback regarding the conceptually presented proposal but reiterated without a preliminary plan, feedback would be hampered.

The Vice Chair stated his concern regarding the PRT meetings encouraging opinions based on other's opinions/comments of a project rather than does the project meet the requirements of their particular department or Board. Another Board member expressed concerns about litigation if a project was rejected before it even had come before the Board. The Planner requested that the Board be open to trying the PRT approach to see how it works.

The Administrative Assistant asked for guidance from the Board regarding notifications when conflicting issues arose; an example was given regarding Citizen's petitions, a TM requiring more signatures than was required, wanting Street Acceptance to no longer be allowed via Citizen's Petition but only through an Article put forth by the Planning Board. It was asked if the conflicting issue should go to the Planner or the Planning Board or both.

The Vice-Chair stated that you can't take away citizen's rights. The Chair stated that the Board could offer to co-sponsor the petition but that they wouldn't be going around getting signatures; would be up the petitioner. He stated that to his knowledge it did not say in the law who the Petitioner could be as long as it had the required signatures. He commented that there are people that own property in town that do not reside in town but they have a right to petition the town as long as they get the signatures from the townspeople then it is a Citizen's Petition. The Vice Chair noted that they could take up the issue when it came before them. The Chair remarked that it could be sent to Town Counsel if it was an issue.

The Chairman updated the Board regarding Spruce Hill Estates. He said he had spoken with Town Counsel, the Board would not be issuing a letter saying they were going to complete the road, and suggested the Planner could issue a short letter stating that it was going to be a long process and the Board could not issue the letter. The Chair told the Board that the Town would have to pass a statute to allow the Town to finish the road and had to go through the bond taking process which could take over a year. The Planner stated that an abutter complained about an open foundation on the property and asked that it be secured which he said was finally done per directive from the Police Dept. due to it being a safety issue. The Planner stated he would have to check if the letter should come from himself or Town Counsel.



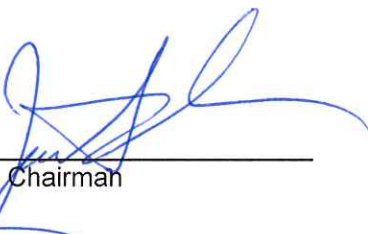
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VI. ADJOURNMENT: NEXT PLANNING BOARD MEETING, WEDNESDAY, *October 24, 2018.*

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

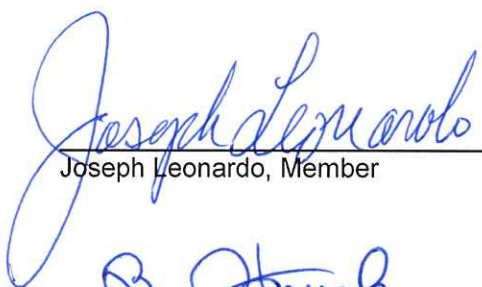
The Meeting was adjourned at approximately 8:00 p.m.

Planning Board Signatures



James Smith, Chairman

Barry Desruisseaux, Vice-Chair

Eli Laverdiere, Clerk

Joseph Leonardo, Member

Barry Hauck, Member

Date