

TC

James Smith, Chairman
Barry Desruisseaux, Vice-Chairman
Barry Hauck, Clerk
Joseph Leonardo, Member
Eli Laverdiere, Member



Uxbridge Town Hall
21 South Main Street, Room 205
Uxbridge, MA 01569
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PLANNING BOARD MEETING MINUTES
WEDNESDAY
October 9, 2019

REC'D UXB TOWN CLERK
2020 JAN 9 PM 12:45

Minutes of the Uxbridge Planning Board regularly scheduled meeting on **Wednesday, October 9, 2019, at 7:00 P.M.** in the **Board of Selectmen Meeting Room, 21 South Main Street, Uxbridge, MA.**

Present: James Smith, Chairman; Barry Desruisseaux, Vice-Chairman; Barry Hauck, Clerk; Joseph Leonardo, Member; Eli Laverdiere, Member.

Also: Michael Gallerani, Economic Development Coordinator/Community Planner; Lynn Marchand, Land Use Administrative Assistant

I. CALL TO ORDER

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

II. PUBLIC HEARINGS

Mr. Smith recused himself.

1. **Tucker Hill Estates –passed over** *The Vice Chairman stated that the contractor has not been able to get everything done for DPW and that they would be passing over this agenda item.
 - a. As-Built Plan
 - b. Road Acceptance Plan
 - c. DPW comments
 - d. Graves comments
 - e. Determination of Completeness Review

Mr. Smith returned to the meeting.

2. **FY20-03TH, Scenic Road Authorization Application** – The Owner of record, **TOWN OF UXBRIDGE**, and Applicant of record, **NATIONAL GRID**, in conjunction with **UXBRIDGE DPW**, are seeking approval for the **removal of 53 Town-owned trees, pruning of 8 Town-owned trees, pruning of limbs less than 8' in diameter extending inside the 8' clearance zone ground to sky of main power lines, and flat cutting and/or removal of tall-growing brush or tree species up to 8' in trunk diameter at chest height that are in the clearance zone 8' from either side of lines,** on designated Scenic Roads, **Henry Street & Chapin Street**, located in multiple zones. Any objections to this work must be submitted in writing to the Planning Board and Tree Warden/DPW, prior to or during the hearing. All comments shall be sent to: Tree Warden c/o Uxbridge Planning Board, 21 South Main Street, Uxbridge, MA 01569, Room 205.

Two National Grid representatives addressed the Board stating they were seeking the Board's approval for tree cutting and maintenance work on Chapin Street and Henry Street. They stated the regular maintenance on this circuit had failed to improve the performance in terms of satisfactory reliability for National Grid, for customers, and for D.P.U. (Dept. of Public Utilities). He described the new program, Enhanced Vegetation Management, the goal of which is getting an 8' corridor to either sides of the power lines on the two roads. He said branches and trees 8' or larger in diameter would need to be removed in order to achieve this. They stated the tree list had been widely distributed. All trees listed were on the Town's right-of-way and a municipal lot. They said they notified and/or spoke with every resident to try to address any concerns about trees close to their properties. The Board asked about the removal of the wood. They responded they could leave it or take it away. The representatives provided the Planning Board and abutters present in the audience with an updated tree maintenance list.



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Abutters asked questions and expressed the following concerns: cost, scenic look to the road, contact information, particular trees, replacement trees, number of trees being removed on Chapin St, tree cutting related to the lines only going to the zoo, line of stumps being left behind on a scenic road, and choice of trees being removed/healthy trees vs dead trees/trimming vs cutting down.

One abutter asked the Board to take more time to view the trees in question before rendering a decision.

One abutter spoke in support of the tree cutting due to safety issues and the closeness of the selected trees to electrical wires.

A member of the Environmental Enhancement program addressed the Planning Board and stated that if a tree took out a wire on the way to the zoo, it was not fused off. He said it would take out power all the way back to the substation.

MOTION I: to continue the public hearing to October 16th made by Mr. Desruisseaux. Motion was seconded by Mr. Leonardo. Motion carried 5-0-0.

3. The Uxbridge Planning Board pursuant, to MGL, Chapter 40A Section 5, will hold a Public Hearing on **Wednesday, October 9, 2019 at 7:00pm** in the Board of Selectmen's Room, Uxbridge Town Hall, 21 South Main Street, Uxbridge, MA to review and vote their recommendations on the following Warrant Articles for the Fall Annual Town Meeting of October 22, 2019. Full text of all Articles are available in the Town Manager's Office & the Town Clerk's Office.

a. **ARTICLE 2: DISPOSITION OF SURPLUS TOWN OWNED PROPERTY – MCCLOSKEY SCHOOL**

To see if the Town will vote to:

(a) Authorize the School Committee to transfer some or all of the parcels that comprise the McCloskey School property located at 62 Capron Street to the Board of Selectmen, said parcels being depicted on a certain plan of land on file with the Town Clerk; and to further authorize the School Department, Board of Selectmen, and Town Manager to execute any and all instruments necessary to obtain approval of said plan; and

(b) Authorize the Town, acting by and through the Board of Selectmen, to convey any or all of the resulting parcels as shown on such plan; and to further authorize the Selectmen and Town Manager to execute any and all deeds, easements, and other instruments to effectuate such conveyances.

Or take any actions related thereto.

SPONSOR: Board of Selectmen

Selectman Susan Franz addressed the Planning Board, described the property, and stated that there was incomplete information at this time as the BOS would be meeting regarding it on the 17th. Discussion items included potential uses of the property and the parking lot.

Selectmen Brian Butler iterated topics that would be discussed at the BOS meeting on the 17th and additional information would be generated from those discussion.

MOTION I: to close the public hearing of Article 2 made by Mr. Desruisseaux. Motion was seconded by Mr. Hauck. Motion carried 5-0-0.

MOTION II: no recommendation at this time due to the fact that we don't have all the information in the time frame we can't meet to get all the information prior to Town Meeting made by Mr. Desruisseaux. Motion was seconded by Mr. Leonardo. Motion carried 5-0-0.



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b. ARTICLE 4: AUTHORIZING THE BOARD OF SELECTMEN TO SELL, EXCHANGE, OR TRANSFER A PARCEL OF LAND ON SOUTH MAIN STREET KNOWN AS TOWN OF UXBRIDGE ASSESSORS MAP 30 LOT 4543 ON MILLVILLE ROAD

To see if the Town will transfer the care, custody, and control of Town of Uxbridge Assessors Map 30 Lot 4543 consisting of 9.95 acres of land on Millville Road to the Board of Selectmen for general municipal purposes including the sale thereof; and further that the Town authorizes the Board of Selectmen, Town Manager, or other agents of the Town to sell, exchange, or transfer said parcel of land for such minimum price and under the conditions and circumstances that the Board of Selectmen and Town Manager feel are in the best interests of the Town, Or take any actions related thereto.

SPONSOR: Town Manager

Interim Town Manager, Peter Hechenbleikner stated they put forth the Article so the BOS could sell this property. He said there was a marijuana facility adjacent to this property and that they were interested in purchasing it. He stated it would be a good economic development use for the property and that they were in the process of getting an appraisal. He outlined the selling process. Discussion was had regarding a possible deed restriction for the bike path vs getting a higher amount for the property. Mr. Hechenbleikner pointed out that there other areas on the property would need to be protected as well; National Heritage and Sewer.

MOTION I: to close the public hearing for Article 4 made by Mr. Desruisseaux. Motion was seconded by Mr. Laverdiere. Motion carried 5-0-0.

MOTION II: favorable action to Article 4 made by Mr. Desruisseaux. Motion was seconded by Mr. Hauck. Motion carried 5-0-0.

Mr. Desruisseaux recused himself.

c. ARTICLE 11: AMEND THE SECTIONS OF THE ZONING BYLAWS WHICH ESTABLISH THE MAXIMUM NUMBER OF RETAIL MARIJUANA ESTABLISHMENTS

To see if the Town will vote to amend the Zoning Bylaw to increase the number of marijuana retail facilities (excluding growers and medical treatment centers) from three (3) to six (6) by amending the zoning bylaw §400-23, subsection B 1., Marijuana Establishments, and Medical Marijuana Treatment Centers as follows:

B. Number of Marijuana Establishments and Medical Marijuana Treatment Centers

1. The maximum number of marijuana retailers shall be no more than six (6) in total. 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, whichever the greater.

Or take any actions related thereto.

SPONSOR: Board of Selectmen

Selectman Susan Franz said Article 11 dealt with retail. She stated they have 3 licenses available for retail marijuana and 4 applicants. She said the industry numbers indicated that a town the size of Uxbridge could support up to 6 retail facilities. Selectman Franz said the Board had discussed removing the restrictions entirely but with the State being influx with its regulatory environment that with retail they wanted to take it step-wise for a bit longer. Concern was expressed that too many could hurt existing businesses, specific to retail only.

The interim Town Manager discussed the cap and the interested parties that he has in the pipeline and recommended upping the cap to 4.

No members of the public wished to speak to the Article

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



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MOTION II: favorable action for increasing it from 3 to 6 made by Mr. Laverdiere. Motion was seconded by Mr. Hauck. Motion carried 4-0-0.

d. ARTICLE 12: AMEND THE SECTIONS OF THE ZONING BYLAWS WHICH ESTABLISH 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)

To see if the Town will vote to amend the Zoning Bylaw to increase the number of marijuana facilities (excluding growers and medical treatment centers) by amending the zoning bylaw §400-23, subsection B, Number of Marijuana Establishments, and Medical Marijuana Treatment Centers as follows:

B. Number of Marijuana Establishments and Medical Marijuana Treatment Centers

2. There shall be no maximum on the 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 in total.

Or take any actions related thereto.

SPONSOR: Board of Selectmen

Selectman Susan Franz stated the Board's recommendation was that cultivators have a different impact (than retail stores) on the community and wide reaching market Statewide, and could work within our zoning laws. She added that there were utility system impacts that would need future consideration.

No members of the public wished to speak to the Article

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

MOTION II: favorable action on Article 12 to lift the limit on grow facilities made by Mr. Laverdiere. Motion was seconded by Mr. Hauck. Motion carried 4-0-0.

Mr. Desruisseaux returned to the meeting.

e. ARTICLE 14: ADOPTION OF WETLANDS BYLAW

To see if the Town will vote to approve the following Wetland Protection Bylaw

Section I. Purpose

The purpose of this Wetland Protection Bylaw (herein after "the Bylaw") is to conserve and protect for the common good all wetlands, streams, rivers, ponds, flood prone areas and adjoining upland areas in the Town of Uxbridge by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect on resource area values.

Or take any actions related thereto.

SPONSOR: Conservation Commission

The Conservation Chairman, Mr. Andrew Gorman and the Conservation Agent, Ms. Holly Jones made their presentation to the Planning Board. Mr. Gorman indicated that they tried to balance the needs and demands of the development community with those that want tighter environmental regulations. Ms. Jones narrated the PowerPoint presentation.

The Board and proponents discussed individual land rights, existing regulations, bonds, fines, hardships, and various hypothetical scenarios.

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

MOTION I: to close the public hearing for Article 14 made by Mr. Desruisseaux. Motion was seconded by Mr. Hauck. Motion carried 5-0-0.



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MOTION II: favorable action for the Wetlands Bylaw made by Mr. Desruisseaux. Motion was seconded by Mr. Hauck. Vote was 2-2-1. (two ayes, two nays, & one abstention)

Mr. Smith recused himself.

f. ARTICLE 15: CITIZEN'S PETITION – ACCEPT TUCKER HILL ROAD AS A PUBLIC WAY

To see if the Town will vote to accept as a public way the street known as Tucker Hill Road as laid out by 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 purpose for which public ways are used in the Town. Or take any actions related thereto.

SPONSOR: Citizen's Petition

Full text available in the Town Manager's Office & the Town Clerk's Office

The Vice-Chairman, Mr. Desruisseaux said the Article was going to be passed over at this time.

Mr. Smith returned to the meeting and called a recess.

Continued from September 25, 2019, PH opened on 9/12/18.

- 4. 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 to 11/13/19

Two Board members expressed frustration at the ongoing continuation requests with no new information for over a year.

No Motion. Continuation voted upon at a previous meeting.

Continued from September 25, 2019

- 5. 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 to 11/13/19

Two Board members expressed frustration at the ongoing continuation requests with no new information for over a year.

No Motion. Continuation voted upon at a previous meeting.

- 6. FY20-01, Definitive Subdivision Application - The Owner and applicant of record, Lars Kiessling, is seeking approval of a Definitive Subdivision Plan to create 4 Residential Building Lots, and the creation of a roadway, Kiessling Road. Property is located on 85 Chestnut Street, Uxbridge, MA. The property is shown on the Town of Uxbridge Assessor's Map 44, Parcel 494. The title to said land is recorded in the Worcester District Registry of Deeds Book 60149 Page 231 and is free of encumbrances. Property is located in an Agricultural Zone.**

Discussion was had about the applicant submitting a two-month continuation request but not an extension for the time in which the Planning Board must take an action.



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MOTION I: to continue to the 23rd made by Mr. Desruisseaux. Motion was seconded by Mr. Laverdiere. Motion carried 5-0-0.

7. **FY20-02, Definitive Subdivision Application** - The Owner and applicant of record, **Uxbridge Woods Realty Trust/Mark Foss**, is seeking approval of a **Definitive Subdivision Plan** to create **7 family residential building Lots**, and widening the existing unimproved portion of **Eber Taft Road** which will have a total centerline length of approximately 1,700± linear feet. The proposed stormwater system will consist of roadside swales and culverts on both sides of the street. Dwellings will be served by private individual wells and on-site subsurface sewage disposal systems. Property is located on **Eber Taft Road, Uxbridge, MA**. The property is shown on the Town of Uxbridge Assessor's Map 33, Parcel 3073. The title to said land is recorded in the Worcester District Registry of Deeds Books 35868, 35868, 34773, & 34773 Pages 250, 252, 7, & 9; also Judgement recorded at Book 58339 Page 153. Property is located in an Agricultural Zone.

Representing the applicant, Mr. Travis Brown of Andrews Engineering, gave the Board an update and went over the review comments from Graves & DPW individually. Soil testing was previously done but Andrews had not been able to find it. He stated they would re-do it if they could not locate the previously performed soil testing.

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

The Board asked the Admin. to work with the applicant for drafting the Decision language.

**Note: The applicant provided revised Plans, soil logs, and received a final review from Graves Engineering after the close of the public hearing based on the recommendations received from Graves, DPW, and the Planning Board.*

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

PH opened on 7/24/19; Public Hearing closed on September 25, 2019

1. **FY19-31, Special Permit Application** - The Owner and applicant of record, **Lackey Dam Nominee Trust/Thomas P. Berkowitz, Trustee**, is seeking a **Special Permit to expand existing use for a recycling/processing yard to be graded to enhance Stormwater management inclusive of a non-potable well, truck weigh scale, trailer, and glass processing equipment for the purpose of asphalt, brick, & concrete rubble (ABC) sorting and processing for re-use**. Property is located off **Old Lackey Dam Road, Uxbridge, MA**. The property is shown on the Town of Uxbridge Assessor's Map 15, Parcel 3153. The title to said land is recorded in the Worcester District Registry of Deeds Book 22590 Page 392 and is free of encumbrances. Property is located in Industrial Zone B.
- a. Decision Draft

The Board reviewed the template with the Findings and Conditions to be added by the Board members.

IV. MINUTES/MAIL/INVOICES

1. 08.28.19 Meeting Minutes
MOTION I: to accept the Minutes of August 28, 2019 made by Mr. Leonardo. Motion was seconded by Mr. Leonardo. Motion carried 5-0-0.
2. 09.11.19 Meeting Minutes
MOTION I: to accept the Minutes of September 11, 2019 made by Mr. Leonardo. Motion was seconded by Mr. Hauck. Motion carried 5-0-0.
3. 09.25.19 Meeting Minutes –passed over



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4. 09.30.19 Meeting Minutes

**MOTION I: to accept the Meeting Minutes of September 30, 2019 made by Mr. Laverdiere.
Motion was seconded by Mr. Hauck. Motion carried 5-0-0**

5. Invoices (over \$600)


V. ADJOURNMENT:

1. **NEXT PLANNING BOARD MEETINGS:**

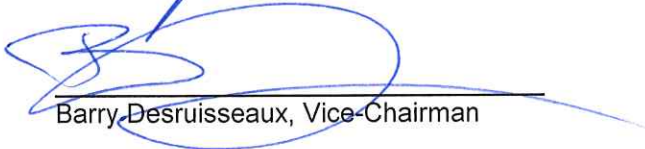
- o **WEDNESDAY, October 16, 2019 for Special Town Meeting Article review/recommendations and continuation of the Public Hearing for FY20-03TH Scenic Road Application, Henry & Chapin Streets**
- o **WEDNESDAY, October 23, 2019; Regularly scheduled Meeting**

MOTION I: to adjourn the meeting made by Mr. Laverdiere. Motion was seconded by Mr. Desruisseaux. Motion carried 5-0-0. The Meeting adjourned at approximately 9:28 p.m.


Planning Board Signatures



James Smith, Chairman




Barry Desruisseaux, Vice-Chairman



Barry Hauck, Clerk



Joseph Leonardo, Member



Eli Laverdiere, Member

January 8, 2020

Date