

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



POSTED UXB TOWN CLERK
2020 FEB 13 PM 12:00

Uxbridge Town Hall
21 South Main Street, Room 205
Uxbridge, MA 01569
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Revised page 3

**PLANNING BOARD MEETING MINUTES
WEDNESDAY
January 8, 2020**

REC'D UXB TOWN CLERK
2020 FEB 13 AM 9:33

Minutes of the Uxbridge Planning Board regularly scheduled meeting on **Wednesday, January 8, 2020, 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 present: Michael Gallerani, Economic Development Coordinator/Community Planner

Absent: 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.

II. PUBLIC HEARINGS

Continued on November 13, 2019;

1. **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.
 - a. Applicant has requested a 60+ day continuation.***See Motion under Public Hearing #2**
2. **FY20-06 Exportation Permit Application** - The Owner/Applicant, **Immanuel Corp, P.O. Box 7021/50 Lynch Place, Cumberland, RI**, is seeking an **Earth Removal Permit** to excavate **115,054 cubic yards with a net removal of 112,588 cubic yards** at **775 Millville Rd**. The property is shown on the Town of Uxbridge Assessor's **Map 41 Parcel 3376**. The title to said land is recorded in the Worcester District Registry of Deeds Book 21529 Page 249 and Plan reference Plan Book 21529 page 249; Property is located in Residence C Zone.
 - a. Applicant has requested a continuation to January 22, 2019**MOTION I: to continue the Public Hearings 1 & 2 to January 22nd made by Mr. Desruisseaux.**
Motion was seconded by Mr. Leonardo. Motion carried 5-0-0

III. BUSINESS

1. **FY20-04, Excavation Renewal Application** - The Owner and applicant of record, **Garrick Hathaway**, is a renewal of **Excavation Permit #PB-01**. Property is located on **155 Laurel Street, Uxbridge, MA**.
 - a. 11/6/19 Revised Gravel Removal Plan & Revised Existing Conditions Plan
 - b. 10/20/20 Revised Existing Conditions Plan
 - c. Application
 - d. Insurance Bond
 - e. 10/18/19 Graves Review
 - f. 11/6/19 Graves Review



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On behalf of the applicant, Mr. Byron Andrews of Andrews Survey & Engineering addressed the Board and provided revised Plans. He noted the proposed excavation of 27,304 cubic yards/approximately 4.2 acres. Mr. Andrews informed the Board that he conducted a site visit earlier that day and noticed the turtle barriers were knocked down likely from weather. He stated he had informed the owner, who said it would be restored including the area in the pit prior to April 15th which is the turtle nesting period. Mr. Andrews reviewed a colorized version of the Plan showing the existing conditions; brown for the area being excavated/area of disturbance, blue for the turtle nesting area not being utilized, dark green for 2018's restoration area, light green for 2019's restoration area, and the perimeter fencing shown in red.

The Board reviewed the site plan and the bond continuation certificate.

MOTION I: to endorse the Earth Removal Permit for 155 Laurel Street for Garrick Hathaway made by Mr. Desruisseaux. Motion was seconded by Mr. Leonardo. Motion carried 5-0-0

2. FY20-07, ANR Application -250 Chocolog Rd.

Representing Mr. Michael Healy/property owner, Mr. Byron Andrews of Andrews Engineering stated Mr. Healy wanted to create a conforming, buildable Lot while retaining the remainder of the property to have the potential to create a retreat lot in the future. He reviewed a colorized version of the Plan with the Board; dark green outlining the entire property, blue showing the wetlands, and the proposed Lot highlighted in yellow. Mr. Andrews noted the frontage and area of the proposed Lot conformed to the Bylaw and that the Lot being cut out was labeled as a non-buildable Lot without further action by the Planning Board. (i.e. Special Permit/Retreat Lot approval)

MOTION I: to endorse the ANR for 250 Chocolog Road made by Mr. Desruisseaux. Motion was seconded by Mr. Laverdiere. Motion carried 5-0-0

3. FY20-10, ANR Application -24 Farnum St.

Representing the application, Mr. Lance Anderson of Allen Engineering, described the ANR as one parcel of land being cut into two conforming Lots, located in Residential A zone. He noted the piece of land being taken from Cote Lane; a subdivision not yet built.

MOTION I: to endorse the ANR application for 24 Farnum Street made by Mr. Desruisseaux. Motion was seconded by Mr. Hauck. Motion carried 5-0-0
The Board signed the ANR Mylar.

4. FY20-02SW, Eber Taft Stormwater Permit

a. Draft

The Planning Board reviewed the Permit. The Chair reminded the Board that they had already approved the subdivision and that this was the Permit that went along with it.

MOTION I: to endorse the Stormwater Permit for Eber Taft made by Mr. Desruisseaux. Motion was seconded by Mr. Leonardo. Motion carried 5-0-0

5. King Street Estates/Ricca Way

- a. Determination of Completeness**
- b. 53G remaining balance (revolving fund/engineering review funds) release**

The Vice Chairman stated they had already deemed King Street complete and that they would be formally signing the Determination.



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MOTION I: to endorse King Street Estates, Ricca Way, for the Determination of Completeness made by Mr. Desruisseaux. Motion was seconded by Mr. Leonardo. Motion carried 5-0-0.

MOTION II: to release the remaining balance for the bond of \$39.88 made by Mr. Desruisseaux. Motion was seconded by Mr. Leonardo. Motion carried 5-0-0. (Note: It was the revolving fund account/53G funds for engineering reviews, not a "bond".)

6. FY19-31, Old Lackey Dam Road

- a. Sign Special Permit Decision

MOTION I: to approve and endorse the Special Permit Application for Lackey Dam Nominee Trust, Tom Berkowitz Trustee for Old Lackey Dam Road made by Mr. Desruisseaux. Motion was seconded by Mr. Leonardo. Motion carried 5-0-0.

The Board signed the Decision.

7. Cobbler's Knoll/Turner Farm Road.

- a. Stormwater complaint 12/16/19
- b. DPW comments 12/16/19
- c. Photos taken by PB member 12/16/19
- d. Rough construction schedule not received

Representing the subdivision project known as Cobbler's Knoll, Mr. Joe Marinella addressed the Board and provided them with a rough construction estimate. He stated he was in charge of the road construction and was pacing it based on the builders of the houses and the pace at which they sold them. He acknowledged that this schedule differed greatly from the original one he previously presented. He commented that it was also likely to change in the spring.

Regarding the swales, Mr. Marinella said all he could do was maintain them as the builders were constantly driving over them. He remarked that one of the swales was much deeper than it was supposed to be because he felt that was the only way he could contain the runoff. He claimed the email he received regarding the filling in of some of the swales was due to residents filling them in and claimed to not be able to police them and didn't know what the Board expected of him.

Mr. Desruisseaux commented that he would not be able to get a sign-off at the end. Mr. Marinella said when all the houses were done that he would have to hydro seed it and put them at the right elevations.

Mr. Hauck reminded Mr. Marinella that the Board had granted a 1 year extension and expected that he would be addressing Graves Engineering's last report which was essentially a punch list of everything that needed to be done within the timeframe of the extension.

Mr. Marinella stated it was all done. The Board asked if he had called for inspections from Graves when he was performing the work. Mr. Marinella stated he was complying with that the Conservation Commission had asked him to do. The Chair explained to Mr. Marinella that Graves had to inspect the work and verify that the area was stabilized. Mr. Marinella claimed that it was. The Vice Chair reiterated that he needed to contact Graves Engineering to do an inspection so they could give the Board a report so there will be a checklist of what needs to be done. The Chair stated he wanted a more detailed construction schedule report in the spring on what he was addressing on Graves list. He said the meeting tonight was about the complaint; where we are and what will be, going forward. The Vice Chair stated again they needed Graves Engineering to verify what has been done. The Chair gave suggestions on how to resolve the issue of the drivers, driving over the swales and detention areas.



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The Board reviewed a letter received earlier that day, regarding the Open Space, submitted by Mr. Michael Healy, an abutter.

The Chair confirmed with Mr. Marinella that he was the owner/part of the property deed. The Chair stated that Mr. Marinella had known about the requirement for awhile now and asked him what the hold-up was regarding deeding the Open Space. Discussion was had with the Board, Mr. Marinella, and Mr. Healy regarding the Open Space location and the Grant. Mr. Healy stated that Mr. Marinella was putting signs, the sales trailer, and mailboxes on the area that was supposed to be restored to its natural state and that would be the Open Spaces land to be managed by the non-profit. He complained that he was delaying transferring the Open Space.

Mr. Marinella stated it was due to funding problems with the lawyers and the bank.

The Chair asked if the Bank was aware that no Lots in Phase 2 would be released until the Open Space has been released. Discussion was had. The Chair closed by reiterating that the Board would not release any of the Lots in Phase 2 until the Open Space was released. He stated they would hold the project hostage until that was done as well as Graves' punch list from Phase 1. He reminded Mr. Marinella, "You have to do what you said you were going to do."

8. Review/Revise/Adopt revised excavation/exportation and importation application templates

- a. Importation: to include amount & types of proposed importation material
- b. Excavation: to include/change from just "exportation" to "excavation" & also amount & types of proposed excavation/exportation material

The Board reviewed the proposed changes to the applications. The Chair stated they could discuss it at the next meeting. No vote was taken.

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

Mr. Gallerani presented the Board with notification that he was going to be using 15 CMRPC hours for GIS mapping of the 146 corridor; water, sewer, zoning, economic development.

V. MINUTES/MAIL/INVOICES

1. 09.25.19 Meeting Minutes
MOTION I: to accept the Meeting Minutes of September 25, 2019 made by Mr. Leonardo. Motion was seconded by Mr. Hauck. Motion carried 5-0-0
2. 10.09.19 Meeting Minutes
MOTION I: to accept the Meeting Minutes of September 25, 2019 made by Mr. Leonardo . Motion was seconded by Mr. Laverdiere. Motion carried 5-0-0
3. 10.16.19 Meeting Minutes -passed over
4. 11.13.19 Meeting Minutes
MOTION I: to accept the Meeting Minutes of November 13, 2019 made by Mr. Laverdiere. Motion was seconded by Mr. Desruisseaux. Motion carried 5-0-0
5. Invoices (over \$600) -none

VI. ADJOURNMENT:


1. **NEXT REGULARY SCHEDULED PLANNING BOARD MEETING:**
WEDNESDAY, October 23, 2019;

MOTION I: to adjourn the meeting made by Mr. Leonardo. Motion was seconded by Mr. Hauck. Motion carried 5-0-0. The Meeting adjourned at approximately 8:25 p.m.




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Planning Board Signatures




James Smith, Chairman




Joseph Leonardo, Member



Barry Desruisseaux, Vice-Chair



Eli Laverdiere, Member



Barry Hauck, Clerk



2-12-2020

Date