

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



Uxbridge Town Hall
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PLANNING BOARD MEETING MINUTES
WEDNESDAY
November 13, 2019

REC'D UXB TOWN CLERK
 2020 JAN 9 PM 12:46

Minutes of the Uxbridge Planning Board regularly scheduled meeting on **Wednesday, November 13, 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; Joseph Leonardo, Member; Eli Laverdiere, Member;

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

Absent: Barry Hauck, Clerk.

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

Continued from September 25, 2019, 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. 11/04/19 Letter requesting for application withdrawal without prejudice

**see Chair's comments and the Board's Motion under Public Hearing #2*

Continued from September 25, 2019

2. **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. 11/04/19 Letter requesting for application withdrawal without prejudice

The Chair stated that they had received a request to withdraw the applications without prejudice (for Old Elmdale Road) and that they would reapply at a future date. The Board discussed the applicant's request to have the future application fee waived. Members weighed in regarding the administrative cost to the Town thus far as well as future administrative work that would be involved. They also discussed a time limit to reapply without prejudice and with the waiver of the application fee. The Board agreed that the applicant would still be responsible for the legal ad, abutter notices, and engineering review costs. They also stated that the Stormwater requirement would come into play as well.



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MOTION I: for the public hearings for 1 & 2 for ARIS on Elmdale that we allow them to withdraw and they have 6 months to resubmit without paying for a new application fee and the 6 months starts from this day made by Mr. Desruisseaux. Motion was seconded by Mr. Leonardo. Motion carried 4-0-0.

Continued from October 9, 2019;

3. **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. Engineering review deposit/outstanding invoice

It was noted that the applicant had provided the required engineering review deposit. The applicant requested in writing a continuance to the January 8th meeting and also provided a 90-day extension letter.

MOTION I: to continue the public hearing to January 8th meeting 2020 made by Mr. Desruisseaux. Motion was seconded by Mr. Leonardo. Motion carried 4-0-0.

4. **FY20-05, Special Permit/Retreat Lot** – The applicant/owner of record, **DJLJ Realty LLC**, is seeking approval for a **Special Permit** to subdivide an existing residential house lot on 6.09 acres into two lots, one being a retreat lot with a proposed shared driveway pursuant to **Uxbridge Zoning Bylaws Section 400-32 – Retreat Lots**. Property is located on **84 Sutton Street**. The property is shown on the Town of Uxbridge Assessor's Map 11, Parcel 2937. The title to said land is recorded in the Worcester District Registry of Deeds Book 57209, Page 210. Property is located in a Residence-C zone.
- a. 09/11/19 Revised site plan
 - b. 10/22/19 ConCom Agent comments

Representing the applicant, Margaret Bacon of Civil Site Engineering addressed the Board. She stated they were applying for a Special Permit for a Retreat Lot. She described the approximate 6+acre parcel, existing house, and paved driveway. She stated the owner has the area and frontage for a retreat lot, discussed the issue of providing 2 driveways without going into the wetlands, and that they revised the Plan based on feedback she had received. She reviewed frontage and area for each of the Lots.

One abutter spoke to the application and asked questions. It was stated that would be a private well and septic. A Board member and the abutter noted that there was an existing retreat lot behind the property and per the bylaw, retreat lots cannot be contiguous. It was stated that a small strip of land for the conventional lot was added so the proposed retreat lot would not touch the existing one on the adjacent property.

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 a Retreat Lot for 84 Sutton Street made by Mr. Desruisseaux. Motion was seconded by Mr. Leonardo. Motion carried 4-0-0.



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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. 10/04/19 Revised Gravel Removal Plan
 - b. 10/20/20 Revised Existing Conditions Plan
 - c. Application
 - d. Insurance Bond
 - e. 10/18/19 Graves Review

-passed over per request of the applicant's representative. To be reviewed at the next meeting on December 11th.

2. **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.
 - a. Decision draft discussion
 - b. Stormwater Permit draft discussion

The Board reviewed the Decision draft. Discussion was had regarding Condition #2 which referenced acceptance of the roadway by the Town. It was stated that since Eber Taft was already a public way, the unimproved portion to be improved would not need to go for street acceptance. Condition #9 was stricken as it referenced the naming of the street; Eber Taft Road is already named.

The Chair read an email from DPW that requested a condition that if grading is needed on an adjacent property that an easement should be in place. Representing the applicant, Travis Brown of Andrews Survey and Engineering, stated that the grading would not be on adjacent properties but on their own property.

The Board reviewed Town Counsel's revision recommendations to the Decision language and Waiver acceptance language.

The Board replaced Condition #9 with language reflecting DPW's requested condition as follows:
The developer will supply additional easements for construction of the roadway if necessary.

MOTION I: to endorse the Decision for the subdivision, Uxbridge Woods, Uxbridge Realty Trust to Mark Foss with the changes for under the Conditions, #2, strike out acceptance, if any, by the Town and put "until deemed complete by the Planning Board" and cross out Condition #9 and all grades necessary to construct roadway not in the right-of-way shall be granted easements if necessary by the developer made by Mr. Desruisseaux. Motion was seconded by Mr. Laverdiere. Motion carried 4-0-0.



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

3. **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. 10/10/19 Revised Plans
 - b. 10/24/19 Graves Peer Review #3
 - c. 11/05/19 Zoning Enforcement Officer letter
 - d. Decision Draft

The Chairman stated that he visited the site. He noted it was a wide-open flat site, had dumpsters, and stockpiled recycled materials consisting of ground up asphalt, concrete, etc. He stated it appeared to be clean, solid materials that did not seem to be a nuisance to the community and was located in the woods.

The Board reviewed the letter from the Zoning Enforcement Officer (ZEO) regarding the use not being allowed in the ZBL's, Table of Use Regulations, without a Special Permit from the ZBA. The Vice-Chair stated that the applicant needed approval from the Planning Board for the applicant to get their permit through the State. The applicant, Mr. James Berkowitz, stated it was a manufacturing operation in an Industrial Zone, confirmed that this was Step 1, and the State wouldn't consider it until there was approval from the Town. The Vice Chair stated that it also required stormwater approval which the Planning Board is charged with. The Board also commented that it was a pre-existing, non-conforming use and stated that the zoning issue was a separate issue that would, if required by the ZEO, require a process separate from the Planning Board.

Mr. Berkowitz stated it was previously a gravel pit and circa 2014, the use was changed to a recycling/manufacturing operation and they began accepting material.

The Board reviewed the Decision language and added the Findings and Conditions. Condition #5, requiring a pre-construction meeting, was stricken as it was not applicable. They advised Mr. Berkowitz to reach out to the ZEO to discuss his/the ZEO's concerns and requirements. The Board made the determination that a stormwater permit was not required; stormwater design had been reviewed and modified as required.

The Board instructed the Admin. to draft the changes to the Decision.

4. **FY19-15, Bevilacqua Industrial Park –Noonan Way (off 1025-1045 Quaker Hwy)**
- a. Recorded Decision Book 61214 Page 313
 - b. Review & Sign Mylars

The Chair called a recess for the Board to sign the Mylars.



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Mr. Desruisseaux recused himself.

5. FY16-21, Autumn Vista/Ridgewood Estates – Rifleman Way & Brady Court

- a. 10/24/19 Graves revised construction estimate –Rifleman Way only
- b. 10/24/19 Graves revised construction estimate –Brady Court only
- c. Review request for surety reduction/revised triparty agreement

Representing the applicant, Mr. Stephen O'Connell stated they had paid off the loan and would not be doing a triparty agreement but rather some form of cash surety. He asked the Board for a vote on the amount and for a letter reflecting the reduced surety amounts so they could submit it to the bank currently holding the surety funds.

MOTION I: for Rifleman Way only, to accept the revised total of \$28,815 for the bond amount made by Mr. Leonardo. Motion was seconded by Mr. Laverdiere. Motion carried 3-0-0.

MOTION II: for Brady Court only, of Autumn Estates, that we accept the revised total of \$23,220 as the bond amount made by Mr. Leonardo. Motion was seconded by Mr. Laverdiere. Motion carried 3-0-0.

Mr. Desruisseaux returned to the meeting

6. FY16-22, King Street Estates/Ricca Way

- a. 11/01/19 Reply to 07/26/19 Graves Completion Review

Representing the applicant, Mr. Travis Brown of Andrews Survey & Engineering reviewed the outstanding items that had been completed, per Graves Completion Review #1; street sign, sediment removal from one of the cross culverts, and area down near infiltration basin needed to be re-stabilized. He stated the bounds had also been put in. Photos of the completed work were shown.

MOTION I: to deem King Street Estates, Ricca Way complete and to release the final Lot, Lot 4, made by Mr. Desruisseaux. Motion was seconded by Mr. Leonardo. Motion carried 4-0-0.

Graves Completion Review was not available on the meeting day as the bounds were only put in the day before the meeting. Graves Completion Review #2 was received on 11/18/19. All work was acknowledged.

Mr. Smith recused himself.

7. Tucker Hill Estates/Tucker Hill Road & Maslow's Way

- a. Tucker Hill Road, Phase I: Update, peer review responses, & revised plan
- b. Maslow's Way, Phase II: Bond reduction request & Graves Eng. revised construction estimate

Representing the applicant, Mr. Travis Brown of Andrews Survey & Engineering stated they were seeking street acceptance of Phase I of Tucker Hill Estates (Tucker Hill Road) and looking for the Board to deem it complete. He stated they had provided a response letter to Graves & DPW and that there were a few outstanding items that the applicant had agreed to do; form drain manhole inverts as requested by Graves, install a monitoring well on infiltration basin #2 (he stated it was not shown on the design plan but was intended), sediment removed from inside the 4 cross culverts as shown in the pictures on the reply letter, and location of utilities on the as-built plans. He stated he did not want to have to do revised plans just to show that.

MOTION I: to accept Tucker Hill Road Phase I with a condition that the inverts get put in and the monitoring wells get put in made by Mr. Leonardo. Motion was seconded by Mr. Laverdiere. Motion carried 3-0-0.



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The Board reviewed Graves revised construction estimate for Phase I, Tucker Hill Road, Andrews Survey & Engineering's review response letter dated 11/11/19, and the applicant's request dated 11/11/19.

MOTION II: to grant the request to reduce the bond to \$5,000 for Phase I that will cover the two outstanding items made by Mr. Leonardo. Motion was seconded by Mr. Laverdiere. Motion carried 3-0-0.

The Board reviewed Graves revised construction estimate for Phase II, Maslow's Way and the revised triparty agreement.

MOTION III: for Maslow's Way Phase II of Tucker Hill Estates to reduce the bond to \$62,000 made by Mr. Leonardo. Motion was seconded by Mr. Laverdiere. Motion carried 3-0-0.

The Board signed the revised triparty agreement for surety on Maslow's Way.

Mr. Smith returned to the meeting.

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

V. MINUTES/MAIL/INVOICES


1. 09.25.19 Meeting Minutes –passed over
2. 10.09.19 Meeting Minutes –passed over
3. 10.16.19 Meeting Minutes –passed over
4. Invoices (over \$600) -none

VI. ADJOURNMENT:

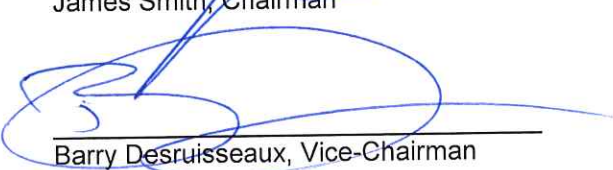
1. **NEXT PLANNING BOARD MEETING: WEDNESDAY, December 11, 2019**

MOTION I: to adjourn the meeting made by Mr. Desruisseaux. Motion was seconded by Mr. Leonardo. Motion carried 4-0-0. The Meeting adjourned at approximately 7:15 p.m.

Planning Board Signatures



James Smith, Chairman



Barry Desruisseaux, Vice-Chairman

Absent

Barry Hauck, Clerk



Joseph Leonardo, Member



Eli Laverdiere, Member

Date

January 8, 2020