

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



Uxbridge Town Hall
21 South Main Street, Room 205
Uxbridge, MA 01569
508-278-8600 x2013 p
508-278-0709 f

**PLANNING BOARD MEETING MINUTES
WEDNESDAY
March 13, 2019**

**REC'D UXB TOWN CLERK
2019 JUL 25 AM 9:49**

Minutes of the Uxbridge Planning Board regularly scheduled meeting on **Wednesday, March 13, 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, Barry Desruisseaux; Clerk, Eli Laverdiere; Member, Joseph Leonardo; Member, Barry Hauck.

Also present: Town Planner, Michael Gallerani and Administrative Assistant, Lynn Marchand.

I. CALL TO ORDER

1. **Announcement:** Due to a quorum issue, there will be no meeting on March 27th. The next meeting date will be on April 10th.

II. PUBLIC HEARINGS

Continued from February 20, 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. **02/20/19 Graves Review**

**see MOTION under Public Hearing #3*

Continued from February 20, 2019, PH opened on 9/12/18

2. **FY19-04 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. **02/20/19 Graves Review**

**see MOTION under Public Hearing #3*

Continued from February 20, 2019, PH opened on 1/9/19

3. **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**

***MOTION I: to continue Public Hearings numbers 1, 2, and 3 to April 10th made by Mr. Desruisseaux. Motion was seconded by Mr. Leonardo. Motion carried 5-0-0.**



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****Mr. Desruisseaux asked to take an OTHER BUSINESS agenda item out of order. The Chair granted the request.**

Mr. John Sahagian informed the Board that he had filed a Citizen's Petition to change the Bylaws and the Table of Use Regulations to allow marijuana cultivate, testing, and research in Industrial Zone A. The Board invited Mr. Sahagian to their April 10th meeting for the public hearing on the Warrant Articles.

III. BUSINESS

1. **FY18-12MOD, Special Permit Modification Application** - The Owner of record, **Richard Hurteau**, is seeking a **Special Permit modification** amending Condition #6 of the August 8, 2018 Planning Board Special Permit Decision. Property is located on **0 Quaker Street, Uxbridge, MA**. The property is shown on the Town of Uxbridge Assessor's Map 051, Parcel 2341. The title to said land is recorded in the Worcester District Registry of Deeds Book 17112, Page 323; Property is located in an agricultural zone.

- a. Decision draft

The Board reviewed the Decision draft.

2. **FY19-14, Eber Taft Road –Road Improvement site plan review**
 - a. 1/16/19 Graves Review #1
 - b. 1/18/19 DPW Review #1
 - c. Town Counsel's comments regarding public road status

MOTION I: to endorse the Decision for Special Permit Modification for the solar generating facility, 0 Quaker St made by Mr. Desruisseaux. Motion was seconded by Mr. Leonardo. Motion carried 5-0-0.

3. **Down East Subdivision/Tabor Road -passed over**
 - a. Triparty Agreement
4. **2019 S.A.T.M. proposed General and Zoning Bylaw revisions, vote whether to put forth the following 7 Articles:**
 - a. **Three (3) Surety and Way Repair Articles (General Bylaws)**
 - i. Whether to accept G.L. c.40 s. 6n & adopt a GBL re: Temporary repairs to private ways
 - ii. Whether to accept Chapter 245 of the Acts of 1988: allows BOS to approve expenditures of up to \$100,000 of bonds or deposits held as surety for subdivisions to complete subdivision work
 - iii. Whether to accept G.L. c.44 s.53G1/2 & adopt GBL re: establishing a performance surety deposit revolving fund for cash or other surety required to secure satisfactory performance of obligations under a municipal contract or as a condition of issuance of municipal license, permit, approval or authorization

The Administrative Assistant informed the Board of a late day email from Town Counsel with the suggestion regarding locating the General Bylaw change, if adopted by Town Meeting, after Sewer and Stormwater. The Agenda item, Surety and Way Repair Article ii, was a suggestion about local acceptance of State Law. The Agenda Item, Surety and Way Repair Article iii was a suggestion about a potential future bylaw change.

The Board reviewed the DPW letter reflecting concerns regarding the General Bylaw Article and discussed the reasons for putting it forth; in order to take the cash bond, for a developer abandoned private way, to bring it up to the standards of a public way so it could be accepted as public way.



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The Chair said they had tried to reach out to the developer to sign-off on the Deed and Bond release to the Town but had not received a response. The Chair had reached out to Town Counsel and was informed that currently the Town does not have the right to take the bond to go on a private way to do repairs and advised the Board that the best pathway would be via the Surety and Way Repair Article. The Chair stated this would allow the Town the legal tools to take the bond to repair/finish the roadway and that Town Counsel would be at the public hearing on April 10th to further explain and answer any questions. Also discussed: procurement, prevailing wage, work that needs to be completed, criteria to declare a road abandoned, the legal steps and notifications performed to attempt to get the developer to finish the road,

MOTION I: to put forth Articles listed a 1 (a. i.) and a 2 (a. ii.) under the Surety and Way Repair Articles made by Mr. Desruisseaux. Motion was seconded by Mr. Laverdiere. Motion carried 4-0-1. Mr. Leonardo abstained.

- b. Article VI , Special Non-Residential Regulations, Zoning Bylaws**
 - i. Revisions to and cleaning up of the bylaw language

The Town Planner, Mr. Gallerani, thanked the Land Use Administrative Assistants for their help with formatting and revising the Articles to get them prepared in time for the meeting.

Re: Development Impact Standards Recommendations letter E: The Vice Chairman stated the parking space requirement was excessive for certain business types and also compared to other locations and Towns. Mr. Laverdiere underscored Mr. Desruisseaux statement, saying you may have a large facility but only 4 employees. Mr. Leonardo brought up the concern that if a reduced parking space requirement was allowed due to a particular business and the business type changed then the parking spaces would be inadequate.

Mr. Desruisseaux stated the proposed reduced requirement was modelled after other Towns' bylaws and was based on the use rather than the size of the building. He felt the space should be left for future parking space expansion even if it is not paved for a particular business that is granted a reduced parking spot requirement. Stormwater management was also discussed as a negative aspect of having more parking spots/paved areas.

A typo was also noted; "Are" should read "Area"

MOTION I: to put forth, for the Spring Annual Town Meeting, Article VI Special Non-Residential Regulations Zoning Bylaws, to clean up the Bylaws, as amended (here) made by Mr. Desruisseaux. Motion was seconded by Mr. Leonardo. Motion carried 5-0-0.

- c. § 400- 40 WMAROD Waucantuck Mill Adaptive Reuse Overlay District Zoning Bylaw**
 - i. Revisions to and cleaning up of the bylaw language

Mr. Gallerani stated that the revisions cleaned up the language, fixed the formatting, and corrected an error that was noted in the Bylaw; wrong map#. No changes were made that would affect the intent of the Bylaw. He also said for the Historic District Commission had reached out to him and that he let them know that the changes being made did not interfere with their ability to expand the district/did not have an effect on the Bylaw's original intension.

MOTION I: to put forth, Article c, for the Spring Annual Town Meeting, Subsection 400- 40 Waucantuck Mill Adaptive Reuse Overlay District Zoning Bylaw for revisions and cleaning up the bylaw language made by Mr. Desruisseaux. Motion was seconded by Mr. Hauck. Motion carried 5-0-0.



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d. Appendix A, Table of Use Regulations, Zoning Bylaws

- i. Revisions to and cleaning up of the bylaw language

Mr. Desruisseaux stated he felt that contractor's yards should be allowed by Special Permit through the Planning Board as well as Blacksmith Shops/Farriers in the Agricultural Zone, Business Zone, and Industrial Zones A & B. Mr. Laverdiere felt that the allowed uses under Commercial Uses, Animal Clinic or Hospital; Kennel, should be expanded to Animal clinic/hospital/rescue/adoption, in the Business Zone and Industrial Zones A & B by Special Permit from the Planning Board. Other proposed changes under the Table of Use Regulations to become an allowed use by Special Permit from the PB in the Business Zones and Industrial Zones A & B included: Hospital or other medical institutions, Farm truck garden, nursery or greenhouse with less than 5 acres, Farm, truck garden nursery greenhouse or other agricultural or horticultural use, Commercial recreation, outdoor, Industrial Uses; Manufacturing establishment, renewable or alternative energy research and development facilities, and warehouse and or distribution (to be allowed in the business zone by SP from the PB; already allowed in the Industrial Zone). Also funeral homes and nursing homes via SP from the PB in the Industrial Zones.

Discussion was had regarding the nature of business types in relation to zone restrictions, inadequate utilities in some of these zones.

Typos and errors were noted and corrected. Mr. Gallerani took notes of the changes and corrections to be made.

MOTION I: to set forth Article Appendix A, Table of Use Regulations Zoning Bylaws to make some revisions and cleanup the bylaw language as amended just now made by Mr. Desruisseaux. Motion was seconded by Mr. Laverdiere. Motion carried 5-0-0.

e. Appendix B, Table of Dimensional Requirements, Zoning Bylaws

- i. Revisions to and cleaning up of the bylaw language

MOTION I: to put forth Article Appendix B, Table of Dimensional Requirements Zoning Bylaws provisions to clean up the Bylaw language made by Mr. Desruisseaux. Motion was seconded by Mr. Laverdiere. Motion carried 5-0-0.

It was stated that these changes were formatting and cleaning up the language. Footnote 1 was amended to read, "In the case of a corner lot, the front setback requirements applies on either street" (changed from "applies on both streets").

MOTION II: to withdraw the (previous) Motion to accept the Appendix B for Table of Dimensional Requirements made by Mr. Desruisseaux. Motion was seconded by Mr. Leonardo. Motion carried 5-0-0.

MOTION III: to put forth Appendix B Table of Dimension Requirements as written with the one change of under frontage, Agricultural Use corner lot 300 add the words on either street made by Mr. Laverdiere. Motion was seconded by Mr. Desruisseaux. Motion carried 5-0-0.

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

***Taken out of order before the first BUSINESS agenda item.*

V. MINUTES/MAIL/INVOICES

1. 02/14/19 Meeting Minutes –Site Visit, Cobbler's Knoll

MOTION I: to accept the Minutes of 2/14/19 made by Mr. Desruisseaux. Motion was seconded by Mr. Leonardo. Motion carried 4-0-1. Mr. Smith abstained.



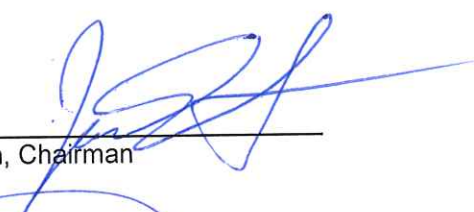
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2. 02/20/19 Meeting Minutes –passed over.
3. Invoices (over \$600) signed by the PB Chairman.


VI. ADJOURNMENT: NEXT PLANNING BOARD MEETING, WEDNESDAY, April 10, 2019

MOTION I: to adjourn made by Mr. Leonardo. Motion was seconded by Mr. Laverdiere. Motion carried 5-0-0. The Meeting was adjourned at approximately 8:05 p.m.

Planning Board Signatures




James Smith, Chairman




Barry Desruisseaux, Vice-Chair



Eli Laverdiere, Clerk



Joseph Leonardo, Member



Barry Hauck, Member

July 24, 2019

Date