

Wednesday, July 13, 2022
Uxbridge Planning Board Meeting Minutes
21 South Main Street, Room 205
Uxbridge, MA 01569

REC'D UXB TOWN CLERK
2022 SEP 20 AM 7:49

Members	James Smith Chairman	Barry Hauck Vice Chairman	Eli Laverdiere	Joe Leonardo	Rory St. Pierre
Attendance	X	X	X	X	X

Also Present: Jack Hunter, Town Planner (Zoom)

The Planning Board opened the meeting at 7:00 pm.

CONTINUATION HEARING:
BOWIES LANDING, DEFINITIVE SUBDIVISION:

The hearing was reopened for Bowies Landing.

Steve O'Connell from Turning Point Engineering was present. He provided an overview from the last meeting. All the recommendations from Graves have been addressed. There has also been confirmation of that the applicant is Katherine Boyer, and owners of record, Benjamin Smith and Nikki Frankson. The project is for two (2) proposed lots and a private subdivision road. Property is shown on the Uxbridge Assessor's Map 11, Parcel 1756 and has been recorded in the Worcester Registry of Deeds in Book 66183, Page 340. It was further explained that a single point of access of the subdivision will be from Williams Street which shall provide access to the existing house at 335 Williams Street, the proposed house lot, and the existing house at 315 Williams Street, which currently utilizes an existing easement for access. This proposed development will create one (1) new single-family residential building lot but provide access to three (3) single-family dwellings. These lots will be served by a private 20-foot-wide bituminous roadway having a total centerline length of 595± linear feet. The applicant is proposing that as part of the proposed roadway, an existing culvert along Williams Street will be replaced and grass swales approximately 250 feet long shall be constructed along the driveway near the entrance. The applicant is also proposing that the dwelling be served by an on-site well and private on-site septic system.

The Board discussed the following conditions which are part of the draft decision:

- 1) The applicant (or assignees) shall be responsible for maintenance of all ways and infrastructure within the subdivision in perpetuity. Said maintenance includes but is not limited to, the removal of snow.
- 2) The contents of this Decision, including all waivers and conditions of approval, shall be shown on the plan prior to endorsement.

- 3) Plans shall be submitted for endorsement within sixty (60) days following the expiration of the twenty (20) day appeal period or within sixty (60) days after the entry of a final decree by the court sustaining the approval of the plan if appeal has been taken.
- 4) A covenant shall be required, pursuant to MGL 41 Section 81U. All conditions of approval shall be satisfied in full prior to any lot release for sale or occupancy.
- 5) Within thirty (30) days following endorsement of the approved Plan, the applicant shall provide the Board with four (4) complete sets of said Plan, as finally approved.
- 6) Within six (6) months following endorsement of the approved plan, the applicant shall record with the Worcester County Registry of Deeds, and in the case of registered land, with the Recorder of the Land Court, a copy of said Plan and any covenants, and shall submit four copies of recorded plan(s) to the Board.
- 7) The developer will be held responsible for any regulatory traffic warning signs which may be needed after the development becomes occupied as required by the Police Department or Board of Selectmen.
- 8) All street names shall be approved by the Board of Selectmen. Street name signs shall be posted prior to the submittal of applications for building permits within the subdivision.
- 9) The existing decision, including reduced construction requirements, shall not be valid beyond the lots approved herein, and the roadway shall not be extended in distance or function without further approval of the Planning Board.
- 10) The developer shall retain rights to any and all easements that may be needed for Town infrastructure. Such rights shall be assignable in easement form to the Town of Uxbridge upon request.
- 11) All regulations and requirements of the Building Department, Board of Health, Fire Department, Department of Public Works, Police Department and all other town agencies shall be fully complied with.
- 12) The applicant will comply with the "Requirements for Digital Submission for Site or Subdivision Plans, ANRs or As-Built Drawings", including fee.
- 13) Copies of all recorded instruments, including this decision, deed restrictions, easements (utility easements), etc. shall be provided to the Planning Board, and deemed satisfactory to the Board for their stated purposes, prior to release of any covenant. Such materials shall include the book and page number where such documents(s) is/are on file at the Worcester District Registry of Deeds.
- 14) After discussion, the following condition was added that all plantings must have a minimum size caliper of 2.5" and have a one-year guarantee from the date of purchase.
- 15) After discussion, the following condition was added that prior to the issuance of a building

permit, the roadway must be determined to have compacted gravel in place for the required road width and be satisfactory for the passing of Public Safety vehicles.

- 16) After discussion, the following condition was added that prior to the issuance of an Occupancy Permit, the construction of all ways and installation of all municipal services and utilities shall be completed in accordance with the approved plans.
- 17) Prior to actual start of work on this subdivision or roadway construction activity including tree clearing, a pre-construction meeting will be held with representatives of the town of Uxbridge DPW, Water Department, Fire Chief, Police Chief, Planning Department, Conservation Commission and any other town agencies deemed necessary.
- 18) After discussion, the following condition was revised so that the developer shall complete construction of all ways and installation of all municipal services and utilities in accordance with the Board's rules and regulations within one (1) year from the date of approval (unless extension has been granted by the Planning Board). Failure of the developer to complete construction as stated above may result in an automatic rescission of the plan without further action of the Board. At its option and among whatever other remedies it may have, the Board may enforce the bond or apply the deposit towards reasonable cost of satisfactory completion of such work. In the case of a covenant, the Board may also seek an injunction restraining any further sale of lots or buildings thereon until all required work has been satisfactorily completed.
- 19) Construction hours of operation shall be 6:00 a.m. to 6:00 p.m. Monday-Friday and 8 a.m. to 4:00 p.m. on Saturdays. No work shall be performed on Sunday or holidays.

The abutters had the following concerns:

- All abutters were not notified.
- The subdivision does not meet the stormwater regulations.
- A question was asked about the plantings. There will be 135 new plantings.
- The residents want a guarantee that the check dams will be maintained.
- There is an issue with the existing culvert – concern that there will be increase flow onto properties.

Close Hearing:

On a motion made by Joe Leonardo, seconded by Barry Hauck, the Board voted to close the hearing for Bowies Landing.

Approval of Decision:

On a motion made by Joe Leonardo, seconded by Barry Hauck, the Board voted to approve the decision for Bowies Landing with the revised conditions.

PUBLIC HEARING:

Definitive Plan Sherman Farms Estates:

The Chairman Jim Smith stepped down from the opening of the hearing. The hearing will be conducted by the Vice Chairman Hauck.

The public hearing was opened.

The Engineer on the project was Mark Allen, Allen Engineering & Associates. He is representing applicant for Sherman Farm Estates LLC, which is currently owned by Gerald and Susan Baker. The project location is at the end of Elm Street, Assessors Map 11, Assessor's Parcel 2436. In Uxbridge, MA. The petitioner has submitted an application for a Definitive Plan Approval for the creation of 6 lots and two parcels in the residential zone. The project site is comprised on 10.5 acres. Access to the parcel is through a previously recorded "Road Easement" over the land of Christopher Cheetham. The majority of the site is open grassy field. The northerly and easterly portions of the land are within 100 feet of the wetland resources. The applicant will be filing with the Conservation Commission. The site is bordered to the west by Cottage St5reet and Homest4ad Avenue; to the north and east by vacant land of Linwood Mills and Devrie Corporation; and to the south by Christopher Cheetham. The design of the project is for the creation of six (6) new lots and two (2) parcels. The new lots will have their legal frontage and access from a new extension off the end of Elm Street. The new roadway will be approximately 625 feet long and will terminate in an offset cul-de-sac. The roadway will seek to become a "Public Way" once completed. The applicant is seeking waivers from the typical subdivision road design. The applicant would like the lots to be serviced by individual subsurface sewage disposal systems and private wells which will be subject to approval from the Board of Health.

The applicant proposes to have the overhead telephone, cable tv and electric services to extend from the existing infrastructure located in Elm Street. A waiver will be sought for underground services.

The applicant is seeking the following waivers:

- Section 5.2.3 – Curbing – Request – vertical asphalt berm along sidewalk and cape cod berm
- Section 5.7.7 (Figure 5.1.)- Request no grass strip
- Section 5.7.7 (Figure 5.1)- Request no underground utilities
- Section 5.4.2 and 5.7.7 – Request no extension of the public water line.

The Board was made aware that there is language in the decision that this is subject to a 50-foot road easement to serve land northerly and westerly of Lot 5R as shown on the recorded plan. The intention is after road completed to then come back for a special permit for the retreat lot.

The Board is in receipt of the peer review letter from Graves and also a letter from DPW. The applicant will be providing a response at the next hearing.

It was brought to the attention of the Board that some members of the Select Board would like the applicant to tie into the town water system.

The meeting was opened to the public for comments. A sign in sheet was provided.

The following comments were noted:

- An abutter would like the utilities to be underground.

- Look into alternative access possibly through Cottage Street.
- The applicant should be required to connect to town water.
- The property value will decrease.
- Request for row of arborvitaes for abutter Cheetham.
- Concern about Fire Truck access.
- Consider putting a moratorium on building due to lack of water.

It was recommended that the applicant mark out the end of the easement.

The Board would like the applicant to mark out the end of the easement and also get something written from the DPW regarding the status of the water in town.

On a motion made by Rory St. Pierre, seconded by Eli Laverdiere, the Board voted unanimously to continue the hearing for Sherman Farm Estates to August 10, 2022 at 7:00 pm.

Chairman Smith returned to run the meeting.

GENERAL BUSINESS:

Zoning Bylaw Amendments:

- The Town Planner provided the suggestions for revisions of the discussed Zoning Amendments from the last meeting.

Rod and Gun Club:

The applicant is trying to close out the permit. The checklist from Consultant Graves has almost been completed. There is a new as-built being drafted. This should be ready for the next meeting on August 10, 2022.

Cobblers Knoll:

The Town Planner continues to call Mr. Marinella who is not answering or returning the calls. The town has received the deed. The work has not been completed. The Board is still looking for confirmation of the Fire Chiefs approval of the 40,000 gallon cistern. This would be a modification to the current approval.

Cultivate Cannabis:

The Board was made aware that there has been a complaint filed regarding the smell from the Cultivate Cannabis. The odor is smelled in the Summerfield area and off of the Rt. 146 South ramp. The complaint is being addressed by the Board of Health. There is also no permit for the extraction of the ethanol. The host agreement has odor control measures which need to be in place. The applicant will need to provide mitigation. It has been suggested that there be an odor consultant to provide review. The DEP has also been contacted.

On a motion made by Roy St. Pierre, and seconded by Eli Laverdiere, the Board voted to adjourn the meeting.

The meeting adjourned at 9:23 pm.

Respectfully Submitted,

Amy Sutherland
Recording Secretary

Approved 9/14/2022

Joseph Leonardi
E.S.

Roy H. Green

Roy H. Green 9/14/22