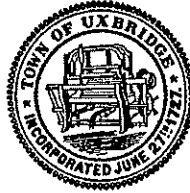


James Smith, Chairman
Barry Desruisseaux, Vice-Chairman
Barry Hauck, Clerk
Joseph Leonardo, Member
Eli Laverdiere, Member



Uxbridge Town Hall
21 South Main Street, Room 205
Uxbridge, MA 01569
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**PLANNING BOARD MEETING MINUTES
WEDNESDAY
May 20, 2020**

Minutes of the Uxbridge Planning Board scheduled meeting of **Wednesday, May 20, 2020, at 7:00 P.M.** via **Zoom Remote Meeting**.

PB Members Participating remotely: James Smith, Chairman; Barry Desruisseaux, Vice-Chairman; Barry Hauck, Clerk; Joseph Leonardo, Member; Eli Laverdiere, Member.

Also participating remotely: Michael Gallerani, Economic Development Coordinator/Community Planner and Lynn Marchand, Land Use Administrative Assistant.

ANNOUNCEMENT by the Chairman:

This meeting will be held remotely.

If you like to attend and comment by phone, please dial: 1-646-558-8656 and use meeting ID 911 9039 4110.

or video meeting click the following link: <https://uxbridge.zoom.us/j/91190394110>

Participants will be allowed to send a comment or question to the Chairman via the chat function and allowed to speak when permitted by the Chairman.

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Uxbridge Planning Board is being conducted via remote participation. Although, no in-person attendance of members of the public will be permitted, the Town of Uxbridge has made every effort to ensure the public can adequately access the proceedings in real time via technological means. A reminder that persons who would like to view/listen to this meeting live may do so by watching the Government Channel @ www.uxbridgetv.org or on Uxbridge Community Television Channel 191.

If not broadcast live or for those unable to watch it live, you may view the recording of the meeting on the Government Channel @ <https://archive.uxbridgetv.org>.

Links to the meeting documents (site plans, reviews, correspondences, etc.) are listed under each agenda item. If anyone is unable to access a computer to view the documents, please contact the Town Manager's Office, to request paper copies from the Land Use Office.

I. CALL TO ORDER

It being 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 stated that all votes would be by **roll call vote**.



PLANNING BOARD MEETING MINUTES
May 20, 2020 continued

II. BUSINESS

1. 2020 Spring Annual Town Meeting Warrant BOS Article

- a. **Vote recommendation of favorable or unfavorable action on whether Warrant Article 27, an Article that the 2019 FATM voted down, can be considered at the 2020 SATM.**

i. ARTICLE 27: 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. ~~The 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 other action related thereto.~~

SPONSOR: Board of Selectmen

BOS Chairman, Mr. Brian Butler, stated that only two members of the BOS were present so a quorum was not met and therefore he would not need to open their meeting. He read the Article into the record. Clarification was made by the Town Manager, Mr. Sette, stating that the intent of the Article was not looking to increase the number of retailers or treatment centers; just the testing facilities, grow facilities, cultivators, etc. (Selectman Shaw joined the meeting and Selectman Butler stated that he would not be participating.) Mr. Sette reviewed the happenings from the 2019 F.A.T.M. and the confusion regarding whether or not the Article would be increasing the number of retailers. He stated they currently have 12 signed host agreements that are in the process of moving to licensure.

Mr. Desruisseaux asked if the delivery service, now allowed by the Cannabis Commission for equity applicants, was covered under the Article or if it was considered part of retail. Mr. Sette replied that it was under retail. Mr. Laverdiere asked about allowing marijuana facilities to drill their own well for the irrigation but using Town water for bathrooms, etc. Mr. Sette stated that it was something to consider so long as there would be no cross contamination of the two water lines. He mentioned possibly using monies for the impact fee to improving/extending the utility, taking the burden off the rate payers/tax payers. Mr. Sette noted that while too many retailers could basically saturate the market, cultivators did not as they all offered different products and thus would not dilute the amount of (the same) product in town.

Mr. Desruisseaux expressed positive support for the Article. Mr. Hauck stated he had no problem with the Article. Mr. Smith stated that because the Article was defeated at the last Town Meeting, Town Counsel said they needed the support of the Planning Board to put it forth again.

**MOTION I: to vote favorable action on Article 27 made by Mr. Desruisseaux. Motion was seconded by Mr. Laverdiere. Motion carried by roll call vote 5-0-0.
BD -aye; EL -aye; JL -aye; BH -aye; JS -aye.**



**PLANNING BOARD MEETING MINUTES
May 20, 2020 continued**

- b. **Vote to sponsor Warrant Article 26 for the 2020 Fall Annual Town Meeting (did not make the 2020 SATM posting deadlines...will pass over at the SATM & introduce at the FATM)**

- i. **ARTICLE 26: Amend the Zoning Bylaws by amending the Zoning Table of Use Regulations, as presented, or take any other action relative thereto.**

Discussion was had regarding the reason for putting forth the Article and pushing it to the FATM. Mr. Smith stated it would be providing the corrections that the Attorney General had stated were needed for the Multi-Town Mixed Commerce Overlay District. EDCP, Mr. Michael Gallerani, stated it would also fix errors that were noted as well as addressing the changes needed as stated by the AG's office. He suggested that the PB vote to put it forth in the Fall, now, in the event that something comes up before then. He reviewed the changes with the Board.

MOTION I: to vote favorable action on Article 26 made by Mr. Desruisseaux. Motion was seconded by Mr. Hauck. NO VOTE.

Discussion re: language of Motion; need to have it be for a future Town Meeting and that we don't yet know what Article number it will be, naming the Article, and further discussion at a future PB meeting. It was decided to discuss it at the next meeting. The Chair asked that the future Article be given a title or something definitive to call it by/referenced in the vote.

Mr. Desruisseaux rescinded his vote.

2. **Old Lackey Dam Road**
- a. **Requesting PB allow proposed composting use without a modification to the Special Permit**
 - b. **03.04.20 Existing Conditions Plans & Site Layout Plan**
 - c. **03.04.20 Board of Health Memo**
 - d. **03.04.20 Graves Engineering Comments**
 - e. **Feb-March correspondence -BOH, ConCom, Applicant, and Engineer**

Mr. Mark Allen of Allen Engineering asked that the PB consider a minor modification to the Special Permit issued. He stated that they had always planned on using the area shown on the site plan for a recycling compost facility. During the pre-application period, DEP Solid Waste noted that they had not highlighted an area for the composting. He stated that they had asked Conservation to review the proposed designation area for the composting and that Conservation would be amending their permit with their order of conditions based on the revised Plans. He asked that the PB deem the organic composting on the property to be a minor modification.

Mr. Smith referred to the site plan and said there would be composting of sticks, leaves, grass, small stumps, manure, and mulch. Mr. Desruisseaux asked about food or other items. Mr. Allen stated they would not be using those types of items and would be using the same material anyone would use in their backyard for composting. Mr. Laverdiere asked about combustibility and a fire plan. The applicant, Mr. Jim Berkowitz, stated they had a well on site and that it was only highly combustible if they had a large amount of manure or wood products like wood chips that sit for too long.

Mr. Berkowitz stated that you can control odor if you constantly rotate it or add processed wood ash or sprayers with scents to them. Mr. Allen commented that it would be a very small pile of organics would not be a major odor generator. He also noted that the distance from the site to Rt. 146 and other abutters works in their favor. Mr. Berkowitz indicated that there would be a limit to the stockpile, as shown on the Plan, and that it would be a manageable amount and not a mountain. He also said it would be located towards the middle of the property. Mr. Berkowitz said the material would mostly come from home owners, landscapers, and on Berkowitz trucks.



PLANNING BOARD MEETING MINUTES
May 20, 2020 continued

Mr. Hauck referred to the BOH Memo regarding concerns about the well location. Mr. Allen stated that they reviewed the BOH Memo and noted that the proposed well was about 70' from the compost area. He stated that they were able to slide the compost area "a hair" east and slide the well "a hair" west and can meet that regulation of 100' within the previously approved limit of work.

The Chair asked the Board to consider whether it was a minor modification or if they need to do another public hearing (*modification to the Special Permit*) Mr. Desruisseaux stated he didn't have an issue with it based on the size. Mr. Laverdiere expressed that he felt it was similar to the recycling the applicant was already doing.

Graves Engineering's email regarding the project was displayed on the screen for meeting participants and the Board. Mr. Allen stated that they/Berkowitz hired a consultant to go through the Mass DEP solid waste permitting. He stated that DEP can't process the solid waste permit until the local Planning Board and Conservation Commission process is done. He stated they were going through the proper Mass DEP channels to get the composting and recycling and ABC rubble through Mass DEP. Mr. Hauck asked about documentation from DEP. Mr. Allen stated that they've had one, pre-application meeting and that they don't have a formal application before them yet. He stated that DEP noted that they had missed noting the composting area and that they instructed them to go back to their local Planning Board and Conservation Commission for approval. Mr. Allen also stated he would provide the PB and ConCom with all applications and approval info from DEP.

Mr. Berkowitz said there was no regulation for under 10 tons and that he did not know the weight ratio for that length and width for a windrow that has mixed chicken feed and manure as well as the leaves and the woody waste. He said in order to be safe, he was going for the permit in case he had 10 tons in a week. Mr. Berkowitz also added that he would have as much as he could safely handle because if he was not making a proper product there was no point in having too much. He said they would start small and grow it organically. Mr. Berkowitz stated they wouldn't be taking in that much because it would be a terrible product; congealing and becoming a nuisance.

The Chair asked if the Board felt it was an oversight (*that it was not included as an activity during the public hearing for the Special Permit*) or did they feel that it required another public hearing for a modification to the Special Permit. Mr. Leonardo stated he felt it was a minor modification. Mr. Desruisseaux agreed saying that based on the information and size of the compost area and noted that there would be DEP and BOH involvement. Mr. Hauck concurred. Mr. Laverdiere stated he had no problem with it being deemed minor.

MOTION I: to approve a minor modification to the Special Permit for the composting facility on (Old) Lackey Dam Rd by Berkowitz for the composting side of things made by Mr. Desruisseaux. Motion was seconded by Mr. Leonardo. Motion carried by roll call vote 5-0-0
BD -aye; BH -aye; JL -aye; EL -aye; JS -aye

3. Review/Revise/Adopt stormwater application form

**see discussion and vote under Business #4*

4. Review/Revise/Adopt stormwater permit template

The Board reviewed the change; amount of impervious area to measured in acres rather than square yards.

MOTION I: to vote in both the stormwater application form and the stormwater permit template made by Mr. Desruisseaux. Motion was seconded by Mr. Hauck. Motion carried by roll call vote 5-0-0; JL -aye; BD -aye; BH -aye; EL -aye; JS -aye

5. FY2021 Planning Board Meeting Schedule, draft

Barry asked the Dec 23rd meeting to be cancelled. There would be no regularly scheduled Planning Board meeting in the month of November due to Veteran's Day (Wed) and the 1/2 day (Wed) before the



PLANNING BOARD MEETING MINUTES
May 20, 2020 continued

Thanksgiving holiday. The Chair stated they could hold a meeting on November 18th. The Admin. stated she would check to make sure there was a meeting room available.

MOTION I: to accept the Planning Schedule for 2020 and 2021 with the amendment for Nov 18th for 2020 if possible made by Mr. Desruisseaux. Motion was seconded by Mr. Laverdiere. Motion carried by roll call vote 5-0-0; EL -aye; JL -aye; BH -aye; BD -aye; JS -aye

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

IV. MINUTES/MAIL/INVOICES

1. 02.12.20 Meeting Minutes

MOTION I: to accept the Minutes of February 12, 2020 made by Mr. Desruisseaux. Motion was seconded by Mr. Leonardo. Motion carried by roll call vote 4-0-0; BH -aye; BD -aye; JL -aye; JS -aye; (Mr. Laverdiere was absent from the 2/12/20 meeting.)

2. 02.26.20 Meeting Minutes

MOTION I: to accept the Minutes of February 26 2020 made by Mr. Desruisseaux. Motion was seconded by Mr. Hauck. Motion carried by roll call vote 5-0-0; BH -aye; JL -aye; BD -aye; EL -aye; JS -aye

V. ADJOURNMENT:

1. NEXT PLANNING BOARD MEETING: To Be Determined:

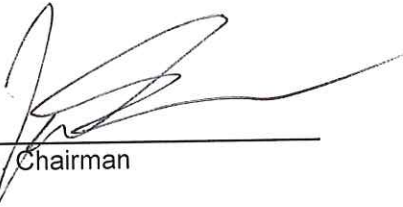
Please Check Each Friday For The Planning Board's Agenda/Meeting Posting On The Town's Webpage and then click the "calendar" <https://www.uxbridge-ma.gov/> and look for the Planning Board Agenda,

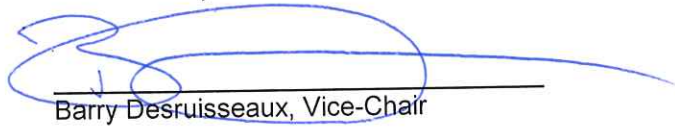
MOTION I: to accept the Minutes of February 12, 2020 made by Mr. Desruisseaux. Motion was seconded by Mr. Laverdiere. Motion carried by roll call vote 5-0-0; BH -aye; JL -aye; BD -aye; EL -aye; JS -aye
The meeting adjourned at approximately 7:56 p.m.



PLANNING BOARD MEETING MINUTES
May 20, 2020 continued

Planning Board Signatures


James Smith, Chairman


Barry Desruisseaux, Vice-Chair


Barry Hauck, Clerk


Joseph Leonardo, Member


Eli Laverdiere, Member

June 3, 2020

Date