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Town of Uxbridge
Planning Board
21 South Main Street
Uxbridge, MA 01569
(508) 278-8600, ext 2013

Received by
Uxbridge
Town Clerk

DECISION

SPECIAL PERMIT
UXBRIDGE ZONING BYLAWS
SECTION 400-32 – RETREAT LOTS
CASE No. : FY16-29

Date:	July 27, 2016
Name of Organization:	
Name of Applicant:	Robert J. Stefanick
Address of Applicant:	83 Aldrich Street, Uxbridge, MA 01569
Owner 1:	Robert and Kristina Stefanick
Address of Owner:	83 Aldrich Street, Uxbridge, MA 01569
Owner 2:	89 Aldrich Street Nominee Trust
Address of Owner:	89 Aldrich Street, Uxbridge, MA 01569
Location of Property:	83/89 Aldrich Street
Assessors Map/Parcels:	Map 45, Parcels 1015 & 1017
Deed Book/Page:	Deed Book 30317, Page 351 and Deed Book 46626, Page 392
Plan Dated:	April 11, 2016
Engineer or Land Surveyor:	Heritage Design Group One Main Street Whitinsville, MA 01588
Zoning District(s):	Agricultural

BACKGROUND/SUMMARY

FILINGS

As of the close of the Public Hearing, the Planning Board has received the following written materials:

1. The application submitted by Robert J. Stefanick consisted of a Special Permit Application Form, Project Narrative, a copy of the Deed(s), a copy of the Application for Certified Abutters List, a copy of the Certified Abutters List Report, Locus Map, associated fees, and a Plan of Land.

2. Plans titled "Plan of Land for Robert Stefanick, 83 Aldrich Street in Uxbridge, MA owned by Robert and Kristina Stefanick and owned by 89 Aldrich Street Nominee Trust, drawn by Heritage Design Group dated April 11, 2016.

Aforementioned materials are on file in the Planning Department.

The Public Hearing was opened on July 13, 2016. The Planning Board members in attendance were Chair James Smith, Vice Chair Joe Leonardo, Clerk Peter Pavao, Member Barry Desruisseaux and Alternate Member Daniel Antonellis. The Chair read the notice of the hearing into the record, and then asked the applicant to make a presentation. Present on behalf of the applicant was Michael Labbe with Heritage Design Group.

Mr. Labbe presented the Special Permit application. It was noted that the parcel in question meets all of the guidelines of the Retreat Bylaw adopted by the Town of Uxbridge at the November 10, 2015 Fall Town Meeting.

The Chair opened the Public Hearing for public comment. Following review of all materials and testimony on July 13, 2016, a **MOTION** was made by Barry Desruisseaux to close the public hearing. Seconded by Mr. Peter Pavao, the motion carried 5-0-0.

FINDINGS

In granting the Special Permit with conditions, the Board determined that any adverse effects of the proposed use of land will not outweigh its beneficial impact to the town, in view of the particular characteristics of the site and of the proposal in relation to that site. The Board has also taken into consideration the following:

1. The subject lot has a minimum street frontage of 30 feet and a width of no less than 30 feet until the retreat lot is entered.

2. The lot area is 4.06 +/- acres (177,159+/- square feet), which is at least twice the minimum lot size allowed in the Agricultural Zoning District.

3. The lot is not contiguous with any other lot which has been granted a special permit pursuant to this section.

4. The social, economic and community needs which are served by the proposal are positive.
   The proposed Retreat Lot, based on the submitted materials, together with all associated parking, facilities and infrastructure has been located in a manner consistent with the Uxbridge Zoning Bylaw, §400-10 Appendix A - Table of Use Regulations, and Article X Definitions of the Uxbridge Zoning By-Law, including but not limited to, minimum applicable zoning setbacks, and open space and buffer requirements.

5. There is little to no impact on traffic flow and safety, including parking and loading.
   The applicant is seeking permission to build one single family residence.

6. There is no impact on utilities and other public services.
   The applicant has submitted information to the Board which indicates that there will be minimal demands placed on town services and infrastructure. The project will not require municipal water and sewer service. The facility and all associated infrastructure shall be maintained by the applicant.

7. There is little to no impact on the neighborhood character and social structures.
   The project is located in the Agricultural Zoning District. The Board has determined that noise and air quality associated will meet applicable standards. The Board finds that the development will not be injurious or detrimental to the neighborhood and such use is in harmony with the general purpose and intent of the Bylaw.

8. There is no impact on the natural environment.

9. There is no fiscal impact on town services.

DECISION

1. **MOTION:** made by Barry Desruisseaux to grant the Special Permit for a Retreat Lot shown on a plan entitled "Plan of Land for Robert Stefanick, 83 Aldrich Street in Uxbridge, MA owned by Robert and Kristina Stefanick and owned by 89 Aldrich Street Nominee Trust" drawn by Heritage Design Group dated April 11, 2016. Seconded by Joe Leonardo, the motion carried 5-0-0.

No waivers were sought for this Special Permit application. The conditions of approval are set forth below.

CONDITIONS

1) The applicant shall comply with all applicable laws, regulations, and permit conditions required by the Conservation Commission, Board of Health, Building Department, Fire Department, and all other departments and town agencies.

2) The Special Permit, including any attachments appendices including the site plan thereto shall be recorded at the Worcester Registry of Deeds within six (6) months or this Special Permit will become null and void. Said time shall not include such time required to pursue or await the determination of an appeal referred to in M.G.L. Chapter 40A, Section 17. The applicant shall submit evidence of such recording to the Planning Board.

3) This Special Permit shall lapse in two (2) years on July 27, 2018, the filing date of the Special Permit approval, if a substantial use thereof has not commenced, except for good cause, or in the case of a permit for construction, if construction has not begun by such date except for good cause. Said time shall not include such time required to pursue or await the determination of an appeal referred to in M.G.L Chapter 40A, Section 17.

4) The applicant has indicated that the roadway, right-of-way, and all associated infrastructure shall remain privately owned and maintained. There shall be no action to cause acceptance of such infrastructure. The applicant (or assignees) shall be responsible for maintenance of all ways and infrastructure in perpetuity.

5) Once a retreat lot with reduced frontage is approved by the Planning Board it cannot be subsequently divided into additional lots.

SAID SPECIAL PERMIT APPROVAL IS GRANTED PURSUANT TO UXBRIDGE ZONING BYLAWS CHAPTER 400, ARTICLE VII, SECTION 400-32, RETREAT LOTS AND M.G.L. CHAPTER 40A, SECTION 9. APPEALS FROM THIS DECISION SHALL BE MADE PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 40A, SECTION 9.

UXBRIDGE PLANNING BOARD:

James, Smith, Chairman

Peter Pavao, Clerk

Joseph Leonardo, Member

Daniel Antonellis, Member

Justin Piccirillo, Alternate Member

July 27, 2016
Date

BARRY DESRUSSEAUX, VICE CHAIRMAN

Town of Uxbridge
Planning Board
21 South Main Street
Uxbridge, MA 01569
(508) 278-8600, ext 2013

DECISION
SPECIAL PERMIT/RETREAT LOT -APPROVED
Case No. FY 16-29, 83 & 89 Aldrich Street

Appeals, if any, from this decision shall be made pursuant to M.G.L. Chapter 40A Section 17 and filed within 20 days after the date of the filing in the Office of the Town Clerk. A copy of this decision has been filed with the Town Clerk on _____

I hereby certify that twenty (20) days has elapsed from the date this decision was filed and no appeal has been filed in this office.

A true copy: ATTEST

_____
Town Clerk/Assistant Town Clerk
(Town Seal Affixed)

Date _____