

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

DECISION
CERTIFICATE OF APPROVAL
DEFINITIVE RESIDENTIAL SUBDIVISION
PRIVATE ROAD
Bowie's Landing, 335 Williams Street

APPLICANT/OWNER OF RECORD:

The applicant, Katherine Boyer, and owners of record, Benjamin Smith and Nikki Frankson, in accordance with the provisions of MGL Chapter 41 Section 81, presented for review to the Planning Board, a Definitive Subdivision Application, Plans, and related materials, prepared by Turning Point Engineering dated May 3, 2021 for land at 335 Williams Street, Uxbridge, MA, showing two (2) proposed lots and a private subdivision road. Property is shown on the Uxbridge Assessor's Map 11, Parcel 1756 and recorded in the Worcester Registry of Deeds in Book 66183, Page 340.

PROJECT SUMMARY:

The project area is comprised of a parcel of land situated in the northerly portion of Uxbridge on the southerly side of Williams Street totaling 9.79± acres of land and is bounded to the north by Williams Street, on the east by residential lots along Williams Street and Storey Lane, on the south and west by land of Jesse & Jennifer Hilgenberg. 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.

The project area is comprised of the existing house #335 Williams Street with a mixture of open grass land and wooded land, and existing sloped topography ranging in elevation from 514 to 470 with grades falling as you move from Williams Street to the southeasterly portion of the property. NRCS Soil Survey Maps illustrate soils with a hydrologic soil group classifications of D.

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. 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 proposed dwelling will be served by an on-site well and private on-site septic system.

FILINGS upon which the decision is based:

- 1) Application for Definitive Subdivision Plan, submitted December 22, 2021, containing definitive subdivision plans and application materials consisting of Form C, copies of deeds, application fees, a certified abutters list, and a list of requested waivers.
- 2) Plans drawn by Turning Point Engineering, P.O. Box 757, Sutton, MA 01590, dated May 3, 2021, revised March 8, 2022; March 28, 2022; and April 6, 2022 consisting of the following sheets:
 - a) C-0.0 Cover Sheet
 - b) C-1.0 Existing Conditions Plan
 - c) C-2.0 Definitive Subdivision Plan
 - d) C-3.0 Topographic Plan
 - e) C-4.0 Plan & Profile Sheet
 - f) C-5.0 Construction Details
- 3) Reviews, Reports, Correspondence, and Comments from:
 - a) March 18, 2022: Graves Engineering, Inc. Review Letter #1
 - b) March 30, 2022: TPE Graves Engineering Comment Response Letter #1
 - c) April 1, 2022: DPW Review Comment Memo #1
 - d) April 4, 2022: Graves Engineering, Inc. Review Letter #2
 - e) April 6, 2022: TPE Graves Engineering Comment Response Letter #2

PUBLIC HEARINGS:

It is hereby certified by the Planning Board of the Town of Uxbridge, Massachusetts that a duly called and properly posted meeting/public hearing was posted and advertised opening on January 12, 2022. The hearing was continued over a span of meetings with the Board receiving requests for continuances and granting of extensions. Following Board discussions and public comment, the public hearing was ultimately closed on July 13, 2022.

DECISION:

Following review of all materials and testimony on July 13, 2022, the Board voted to approve Bowie's Landing Definitive Subdivision based the on the filings, conditions, and waivers noted herein.

SUBJECT TO THE FOLLOWING CONDITIONS:

- 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) All plantings must have a minimum size caliper of 2.5" and have a one-year guarantee from the date of purchase.
- 15) 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) 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) 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.

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SAID DEFINITIVE SUBDIVISION APPROVAL IS GRANTED

PURSUANT TO M.G.L. CHAPTER 41, SECTION 81K-81GG. APPEALS FROM THIS DECISION SHALL BE MADE PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 41 SECTION 81BB.

UXBRIDGE PLANNING BOARD




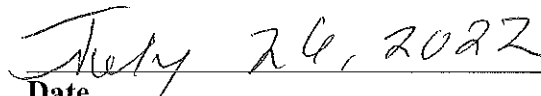
James Smith, Chairman

Eli Laverdiere, Clerk

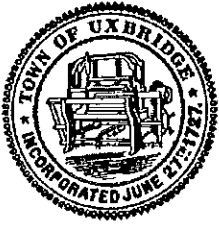
Barry Hauck, Vice Chairman



Joseph Leonardo, Member

Rory St. Pierre, Member

Date



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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 _____