



Town of Uxbridge  
**PLANNING BOARD**  
21 South Main Street  
Uxbridge, MA 01569  
508-278-8600 x2013

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Received by  
Uxbridge  
Town Clerk

July 13, 2016

**TOWN OF UXBRIDGE, MASSACHUSETTS  
CERTIFICATE OF APPROVAL  
CONSERVATION DESIGN DEVELOPMENT  
DEFINITIVE RESIDENTIAL SUBDIVISION**

**CASE NO. FY 15-14 COBBLERS KNOLL, CHOCOLOG ROAD  
PUBLIC ROAD**

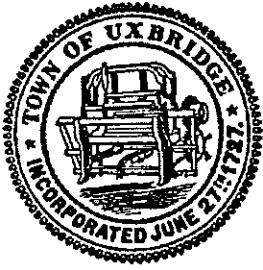
**APPLICANT/OWNER OF RECORD:**

The applicant and owner of record, FIKOW, LLC, 500 Boylston, Street, Suite 1870, Boston, MA 02116, in accordance with the provisions of MGL Chapter 41 Section 81 presented for review to the Planning Board, a Conservation Design Development Definitive Residential Subdivision Plan and related materials, prepared by Andrews Survey & Engineering, Inc. dated May 6, 2016 and he last revised dated June 16, 2016, located at 255 Chocolog Road, Uxbridge, MA showing fifty-one (51) proposed lots. Property is shown on the Uxbridge Assessor's Map 39, Parcel 4254 and recorded in the Worcester Registry of Deeds Book 52122, Book 321.

**PROJECT SUMMARY:**

The project area is comprised of a parcel of land situated in the southeastern portion of the Town of Uxbridge on the west side of Chocolog Road just south of the Chestnut Street and Chocolog Road intersection totaling 116.25± acres and is bounded to the north by David Sadowski (formerly of the Grand Trunk Railroad), to the west by vacant land and private single family residences, to the south by Chocolog Road, and to the east by private single family residences.

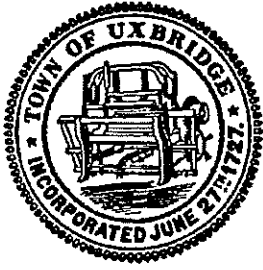
The majority of the project area is located on the crest of a hill with existing topography being relatively mildly sloped ranging in elevation from 518 to 356 with grades falling off as you move away from the southeast corner of the proposed development area. Each dwelling will be served by private water and individual on-site subsurface sewage disposal systems.



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**FILINGS upon which the decision is based:**

- 1) Application for Definitive Subdivision Plan, submitted June 1, 2016 and containing application forms, operation and management plan and stormwater management reports dated May 6, 2015, deeds, and ownership data, fee schedule, and associated submittal fees, a certified abutters list and a list of requested waivers.
- 2) Plans drawn by Andrews Survey & Engineering, Inc. P.O. Box 312, Uxbridge, MA 01569, dated May 6, 2015, revised dated May 20, 2016, and last revision dated June 16, 2016 and consisting of the following sheets:
  - a) C-1 Cover Sheet
  - b) C-2.0 Definitive Plan Sheet Index
  - c) C-2.1- C2.9 Definitive Subdivision Plan
  - d) C-3.0 – C3.1-Legend, Abbreviations, and General Notes
  - e) C-4.0 Index Plan
  - f) C5.1- C5.9 Existing Conditions Plan
  - g) C6.1-C6.9 Site Layout & Utilities Plan
  - h) C-7.1 – C7.9 1 Grading & Drainage Plan
  - i) C-8.1 – C8.6 Road Way Plan & Profile
  - j) C-9.1-C9.6 Construction Details
  - k) C-10.1 – C10.9 Landscaping, Erosion & Sediment Control Plan
  - l) C-10.10-C10.11 Landscaping, Erosion & Sediment Control Notes & Details
- 3) Reviews, Reports, Correspondence, and Comments from:
  - a) May 18, 2015: Conley Associates: Traffic Impact
  - b) June 10, 2015: Abutter comment: Aesthetic Impact
  - c) June 13, 2015: Board of Health, reply to Malley Eng. review
  - d) June 24, 2015: Graves Eng. Definitive Subdivision Plan Review
  - e) February 23, 2016: Andrews Eng., Inc. Plan Review
  - f) February 23, 2016: Andrews Eng., Inc. Definitive Subdivision Request for Waivers
  - g) March 1, 2016: Fire Dept. Waiver Request
  - h) March 16, 2016: Fire Dept. Memo
  - i) March 18, 2016: Graves Eng.: Definitive Subdivision Plan & Notice of Intent Peer Review
  - j) March 23, 2016: Abutter comment: Definitive Subdivision Plan Application
  - k) April 4, 2016: Conservation Dept.: Mass DEP NOI File Number
  - l) April 21, 2016: Residents Petition for Amendment
  - m) May 25, 2016: Andrews Eng., Inc. Request for Waivers
  - n) June 7, 2016: Graves Eng. Definitive Subdivision Plan Notice of Intent Review



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## **PUBLIC HEARINGS:**

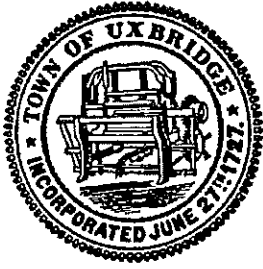
It is hereby certified by the Planning Board of the Town of Uxbridge, Massachusetts, that a duly called and properly posted meeting/public hearing was posted and advertised opening on June 10, 2015. The hearing was continued over a span of meetings with the Board receiving requests for continuances and granting of extensions. Following Board discussions and public comment, the public hearing was ultimately closed on June 8, 2016.

## **DECISION:**

Following review of all materials and testimony on July 13, 2016, the Board voted to approve the Cobbler's Knoll Conservation Design Definitive Residential Subdivision based the on the filings, conditions and waivers noted herein.

## **SUBJECT TO THE FOLLOWING CONDITIONS:**

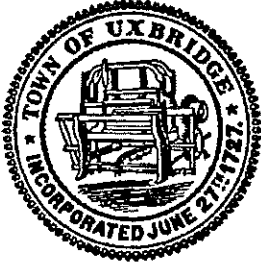
- 1) The applicant seeks various waivers from the requirements of the Subdivision Regulations. The waiver requests and the Board's votes thereon are reflected in the Waiver List, in Attachment 1 "Waivers".
- 2) The applicant (or assignees) shall be responsible for maintenance of all ways and infrastructure within the subdivision until the road is accepted by the Town. Said maintenance includes but is not limited to, the removal of snow.
- 3) The contents of this Decision, including all waivers and conditions of approval, shall be shown on the plan prior to endorsement.
- 4) Plans shall be submitted for endorsement within sixty (60) days of the expiration of the twenty-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.
- 5) 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 building, sale, or occupancy.
- 6) 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.
- 7) Within six (6) months following endorsement of the approved plan, the applicant shall record



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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.

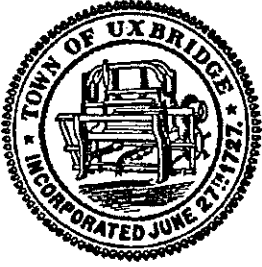
- 8) The developer will be held responsible for any regulatory traffic warning signs which may be needed after the development becomes occupied as required by the Police Department, or Board of Selectmen.
- 9) All street names shall be approved by the Board of Selectmen. Street name signs shall be posted prior to the clearing of trees and, or, actual start of work on this subdivision.
- 10) The applicant shall record (at the Registry of Deeds) a deed restriction prohibiting future expansion of the roadway. Prior to endorsement of the plan, the proposed easement language shall be submitted for review and deemed satisfactory to the town. The easement shall be recorded at the Registry of Deeds and contain margin or other references with this decision and the approved plan to ensure the "paper trail."
- 11) 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.
- 12) 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 on request.
- 13) 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.
- 14) The applicant will comply with the "Requirements for Digital Submission for Site or Subdivision Plans, ANRs or As-Built Drawings", including fee.
- 15) 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.
- 16) Prior to actual start of work on this subdivision or roadway construction activity including



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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.

- 17) 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 three (3) years from the date of approval (unless an extension has been granted by the Planning Board). Failure of the developer to complete construction as stated above shall 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.



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\*\*\* Attachment # 1

**WAIVERS**

In recognition of the public benefit to be gained as described, waivers from certain requirements of the Uxbridge Subdivision Rules and Regulations are allowed as follows:

**Section 4.A.2.b**

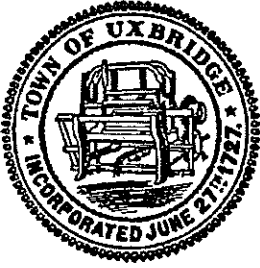
*No subdivision street shall be less than two hundred fifty (250) feet in length. No dead-end street or system of dead-end streets shall be created or extended to provide frontage for more than twenty-five (25) potential dwelling units in accordance with applicable provisions of the Uxbridge Zoning By-Law in effect at the time of application.*

**The applicant requests a waiver from this requirement to allow a road layout to connect to itself. Topographic conditions in the location of additional roadway access points cause an undue hardship to abutters. The single access layout helps preserve existing stone walls and trees along a large portion of Chocolog Road. In lieu of additional roadway access points, a 28-foot wide paved roadway entrance is proposed for approximately 1,200 feet up to the nearest intersection in the subdivision; a gated emergency access road meeting NFPA-1 Fire Access Road specifications is proposed; and three (3) 20,000 gallon fire cisterns are proposed at locations throughout the subdivision.**

**Section 4.C.6**

*Curbing shall be sloped granite edging or bituminous concrete, subject to Planning Board approval except at catch basin and intersection roundings where vertical granite curbing shall be required. Granite transition sections shall be provided at transitions from sloped to vertical curb. Granite transition sections shall be provided at transitions from sloped to vertical curb.*

**The applicant requests a waiver from this requirement and proposes no curb or modified Cape Cod berm throughout the specified area of the subdivision. The primary function of curbing is to convey storm water runoff to catch basins and other drainage devices. When modified Cape Cod berm is damaged the cost of repairs is minimal in comparison to sloped or vertical granite curb.**



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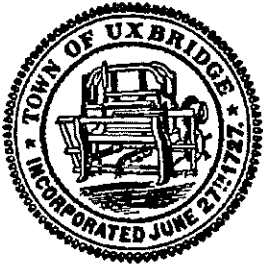
Areas where no curb is proposed have roadside swales to collect stormwater. The installation of any type of curb in these locations would restrict the function of the proposed stormwater system design.

Section 4.A.2.b & 5.I (Typical Roadway Cross Section)

The applicant requests a waiver for the pavement width from 26 feet to 24 feet in portions of the proposed roadway. A 24-foot wide paved roadway is sufficient for the size of this development and any reduction in pavement will help reduce stormwater runoff. To mitigate having only a single entrance road to the subdivision, a 28-foot wide roadway is proposed from Chocolog Road up to the intersection within the subdivision at approximately station 12+00.

Section 5.I (Typical Roadway Cross Section)

The applicant also requests a waiver for the location of proposed sidewalk, storm water facilities, and underground utilities to be allowed outside of the proposed 50 foot wide right-of-way. Where the location of sidewalks, storm water facilities, and/or underground utilities is proposed to be outside of the 50 foot right-of-way, an access and utility easement shall be established so that the town will have the ability to provide perpetual maintenance and inspection to ensure the proper continuous function and longevity of the sidewalk, storm water facilities, and/or underground utilities.



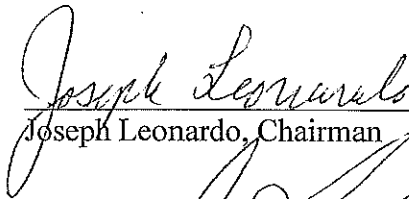
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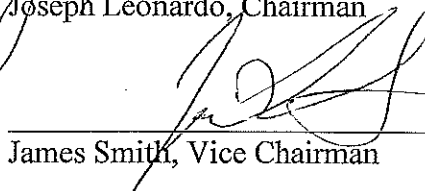
SAID DEFINITIVE SUBDIVISION APPROVAL IS GRANTED

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.

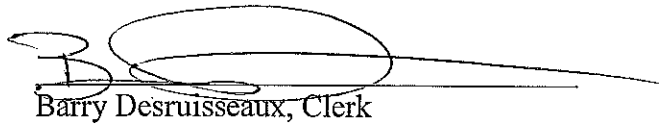
**UXBRIDGE PLANNING BOARD:**

  
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Joseph Leonardo, Chairman

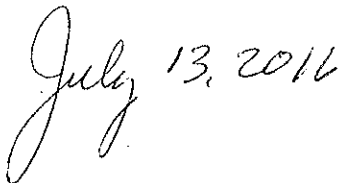
  
\_\_\_\_\_  
Daniel Antonellis, Member

  
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James Smith, Vice Chairman

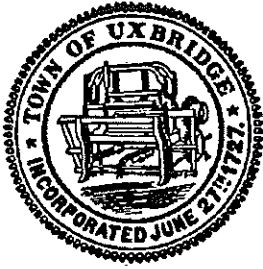
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Peter Pavao, Member

  
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Barry Desruisseaux, Clerk

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Justin Piccirillo, Alternate ~~Q~~ Member







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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)