



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

Received by  
Uxbridge  
Town Clerk

JUN 9 '16 PM12:24

### DECISION

**SPECIAL PERMIT APPLICATION -APPROVED**  
**434 Sutton Street, Uxbridge, MA/Trowbridge Acres**  
**SPECIAL PERMIT CONSERVATION DESIGN**  
**Case No. FY 16-15B**

Date: June 8, 2016

Name of Applicant: JLT Development, LLC

Address of Applicant: 1 Shepherd Ave., Dudley, MA 01571

Owner: Arnold S. & Sylvia Baker

Name of Representative: Karina G. Quinn, PE

Address of Representative: 1029 Providence Street  
Whitinsville, MA 01588

Location of Property: 434 Sutton Street, Uxbridge, MA

Assessors Map/Parcel: Map 4, Parcel 2976

Plan Dated: February 17, 2016

Engineer or Land Surveyor: Guerriere & Halnon, Inc.  
1029 Providence Street  
Whitinsville, MA 01588

Zoning District(s): Agricultural

## **APPLICANT/OWNER OF RECORD:**

The applicant and owner of record, James Tetreau, JLT Development, LLC/Arnold S. & Sylvia Baker submitted an application for a Special Permit to construct a residential Conservation Development, pursuant to the Uxbridge Zoning Bylaws, Section 400-30, including a 640 foot long road with twelve (12) lots. The property is located at 434 Sutton Street, Uxbridge, MA. The property is shown on the Town of Uxbridge Assessor's Map 4, Parcel 2976. The title to said land is recorded in the Worcester District Registry of Deeds Book 5656, Page 319; Property is located in an agricultural zoning district.

## **BACKGROUND:**

The application for a Special Permit to construct a residential Conservation Development was received and duly filed with the Uxbridge Town Clerk. The application was forwarded to various Town Departments and Boards/Committees. Abutters were notified via Certified Return Receipt Mail.

It is hereby certified by the Planning Board of the Town of Uxbridge, Massachusetts duly called and properly posted a meeting of the Board, a public hearing posted and advertised, was opened on April 13, 2016 and continued over the span of many meetings. Following input on May 11, 2016, the public hearing was closed.

## **DECISION:**

Following review of all materials and testimony on May 11, 2016, the Board voted to approve the Trowbridge Acres Conservation Development Subdivision based on the filings, conditions and waivers noted herein.

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

Application for Special Permit, submitted March 16, 2016 and containing application forms and checklists, deeds, ownership data, and plans listed below.

1. Plans entitled "Proposed Site Development 434 Sutton Street, West Uxbridge MA 01569" drawn by Guerriere & Halnon, Inc. and including the following plan sheets:
  - Cover Sheet, W-3041-Sheet 1
  - Lot Layout Index Plan, W-3041-Sheet 2
  - Lot Layout Plan W-3041-Sheet 3
  - Lot Layout Plan W-3041-Sheet 4
  - Lot Layout Plan W-3041-Sheet 5
  - Lot Layout Plan W-3041-Sheet 6
2. Staff Review Comments from:
  - a) Uxbridge Deputy Fire Chief, email dated March 22, 2016
  - b) Applicant supporting statements
    - Site project & description
    - Impact assessment
    - Community and fiscal impact assessment

## FINDINGS

In granting the Special Permit, the Board has approved this Conservation Design Development pursuant to the guidelines of the Uxbridge Zoning Bylaw, Section 400-30, with the following conditions noted herein.


1. The Applicant shall comply with all applicable laws, regulations and permit conditions required by the Town of Uxbridge, including but not limited to, the Conservation Commission, Board of Health, Fire Department, Building Department and all other departments and agencies for this project.
2. Within 60 days of the date of this decision, the Applicant shall record this Special Permit at the Worcester County District Registry of Deeds and provide evidence thereof to the Planning Board. Failure to do so shall render this special permit null and void.
3. The required open space shall, at the owner's election and with the concurrence of the Town, be conveyed to: a. the Town of Uxbridge or its Conservation Commission; b. a nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space as set forth above; c. a corporation or trust owned jointly or in common by the owners of lots within the Conservation Design Development. In the event a corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of the open space and facilities shall be permanently guaranteed by such corporation or trust which shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town of Uxbridge to perform maintenance of the open space and facilities, if the trust or corporation fails to provide adequate maintenance and shall grant the town an easement for this purpose. In such event, the town shall first provide 14 days' written notice to the trust or corporation as to the inadequate maintenance and, if the trust or corporation fails to complete such maintenance, the town may perform it. The owner of each lot shall be deemed to have assented to the town filing a lien against each lot in the development for the full cost of such maintenance, which liens shall be released upon payment to the town of same. Each individual deed and the deed or trust or articles of incorporation shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded in the Registry of Deeds.
4. In accordance with MGL Chapter 40 A S. 17, this Special Permit shall lapse in two years if construction has not begun by such date except for good cause.

SAID SPECIAL PERMIT APPROVAL IS GRANTED PURSUANT TO M.G.L. CHAPTER 40A.  
APPEALS FROM THIS DECISION SHALL BE MADE PURSUANT TO MASSACHUSETTS  
GENERAL LAWS CHAPTER 40A.

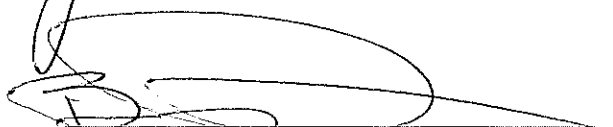
**UXBRIDGE PLANNING BOARD:**



**Joseph Leonardo, Chairman**



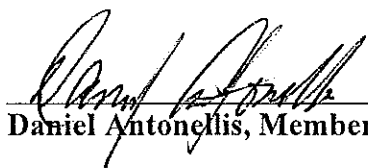
**James Smith, Vice-Chairman**



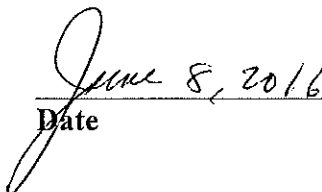
**Barry Desruisseaux, Clerk**



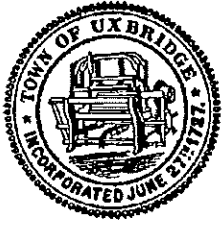
**Peter Pavao, Member**



**Daniel Antonellis, Member**



**Date**



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

**DECISION**

**SPECIAL PERMIT APPLICATION -APPROVED**

**Case No. FY 16-15B 434 Sutton Street, Uxbridge, MA/Trowbridge Acres**

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 \_\_\_\_\_

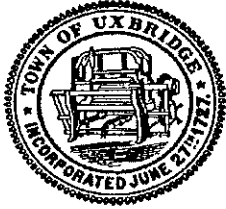
I hereby certify that twenty (20) days has elapsed from the date this decision was filed and no appeal has been filed in this office.

A true copy: ATTEST

\_\_\_\_\_  
Town Clerk/Assistant Town Clerk  
(Town Seal Affixed)

Date \_\_\_\_\_

Town of Uxbridge



Town of Uxbridge  
**PLANNING BOARD**  
21 So. Main Street, Room 205  
Uxbridge, MA 01569  
(508) 278-8600 X 2013 (508) 278-0709  
E-mail: [lmarchand@uxbridge-ma.gov](mailto:lmarchand@uxbridge-ma.gov)

June 9, 2016

Dear Applicant:

**RE: TROWBRIDGE ACRES, 434 SUTTON STREET**

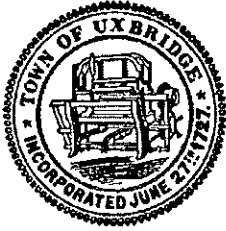
The Planning Board has adopted the enclosed Decision and it was recorded with the Town Clerk's office on June 9, 2016.

Appeals, if any, must be filed within 20 days after the date of the filing in the Office of the Town Clerk.

In accordance with Massachusetts General Law Chapter 40A, upon expiration of the 20 day appeal period and upon certification by the Town Clerk that no appeal was filed, you must then pick up your Decision and record it with the Worcester County Registry of Deeds, 90 Front Street, Worcester, MA.

Sincerely,

Joe Leonardo, Chair  
Planning Board



Town of Uxbridge  
**PLANNING BOARD**  
21 So. Main St.  
Uxbridge, MA 01569  
(508) 278.8600 ext. 2013

June 9, 2016

To Whom It May Concern:

The Planning Board held a public hearing on the following application and granted a Certificate of Approval of a Preliminary Subdivision Plan and Special Permit Conservation Design.

**TROWBRIDE ACRES, 434 SUTTON STREET**

The Decision was recorded with the Town Clerk's office on June 9, 2016. The Decision may be reviewed during regular business hours at the Planning Board office or Town clerk's office and is available on the town's website by visiting [www.uxbridge-ma.gov](http://www.uxbridge-ma.gov).

Appeals, if any, must be filed within 20 days after the date of the filing in the office of the Town Clerk.

If you have any questions, please contact the Planning Board office at 508-278-8600 ext. 2013

Sincerely,

Joe Leonardo, Chair  
Planning Board