

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

Received by
Uxbridge
Town Clerk

DECISION
CERTIFICATE OF APPROVAL
DEFINITIVE RESIDENTIAL SUBDIVISION
PUBLIC ROAD
Case No. FY 16-24, Tucker Hill Estates

APPLICANT/OWNER OF RECORD:

The owner of record, TTK Real Estate, LLC, James Smith, P.O. Box 586, Uxbridge, MA, in accordance with the provisions of MGL Chapter 41 Section 81 presented for review to the Planning Board, a Definitive Residential Subdivision Plan and related materials, prepared by Andrews Survey & Engineering, Inc. dated April 25, 2016 with the last revision dated June 29, 2016, located at 90 Richardson Street (*originally submitted as 70 Richardson Street*), Uxbridge, MA showing fifteen (15) proposed lots. Property is shown on the Uxbridge Assessor's Map 29, Parcel 1355 and recorded in the Worcester Registry of Deeds Book 54245, Book 268.

PROJECT SUMMARY:

The project area is comprised of a parcel of land situated in the central portion of the Town of Uxbridge on the easterly side of Richardson Street totaling 25.03± acres and is bounded on the north single family residences and undeveloped land; on the east by undeveloped land and New England Power Company land; on the south by New England Power Company land and single family residences under construction; and on the west by Richardson Street and single family residences, three of which are under construction, that front on Richardson Street. A single point of access of the subdivision road will be from Richardson Street.

The project area is comprised of wooded land with existing sloped topography ranging in elevation from 506 at Richardson Street, towards the two wetland systems, in which elevations climb to 472 heading towards the eastern portion of the property. NRCS Soil Survey Maps illustrate soils with hydrologic soil group classifications of A and C.

This proposed development will create fifteen (15) single family residential building lots. These lots will be served by the proposed cul-de-sac having a total centerline length of 1580± linear feet. As part of the stormwater system design, proposed dwellings with septic systems and driveways were sited on each of the building lots to illustrate anticipated build-out conditions and attain future impervious area of the development under the post development scenario. Each dwelling will be served by municipal water and individual on-site subsurface sewage disposal systems.

FILINGS upon which the decision is based:

- 1) Application for Definitive Subdivision Plan, submitted April 25, 2016 and containing application forms, operation and management plan and stormwater management reports dated June 29, 2016, 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 April 25, 2016, revised June 29, 2016 and consisting of the following sheets:
 - a) C-0.0 Cover Sheet
 - b) C-1.0 Legend, Abbreviations, & General Notes
 - c) C-2.0 Index Sheet
 - d) C-3.1-3.3 Existing Conditions Plans
 - e) C-4.1-4.3 Definitive Subdivision Plans
 - f) C-5.1-5.3 Topographic & Utility Plan
 - g) C-6.1-6.2 Roadway Plan & Profile Sheets
 - h) C-7.1-7.5 Construction Details
 - i) C-8.1 Phase II –Future Buildout
- 3) Reviews, Reports, Correspondence, and Comments from:
 - a) May 24, 2016: Graves Eng. Definitive Subdivision Plan Review
 - b) June 29, 2016: Peer Review Comment Responses from Andrews Survey & Engineering
 - c) July 8, 2016: Graves Eng. Definitive Subdivision Plan Review

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 8, 2016. 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, 2016.

DECISION:

Following review of all materials and testimony on July 13, 2016, the Board voted to approve the Tucker Hill Estates Definitive Residential Subdivision based 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 (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.
- 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 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, 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 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.

*****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:

§ 4.A.1 – Location and Alignment

§ 4.A.1.g Street shall be laid out as to intersect at right angles.

Due to the existing property geometry, an angle of 82 degrees has been provided at the intersection of the proposed roadway and Richardson Street.

§ 4.A.1.h Property lines at street intersections shall be rounded or cut back to provide for a curb radius or a right of way of not less than twenty-five (25) feet.

Although a twenty-five (25) foot rounding cannot be provided due to the existing property line configuration, the proposed ten (10) foot radius allows for the proposed curb radius to meet the twenty-five (25) rounding requirement.

§ 4.A.3 – Grades of Streets

§ 4.A.3.c At points of intersection of any streets, a leveling distance of not less than 80 (eighty) feet shall be provided at 90 (ninety) degrees to the street of intersection. This leveling distance shall have a grade of not less than 0.75% or more than 2.0%.

The applicant requests a waiver from this requirement to 4% to minimize roadway fill at the proposed subdivision entrance.

§ 5.C – Street and Roadway Requirements and Specifications

Section 5.C.6 *Curbing shall be sloped granite edging or bituminous concrete, subject to Planning Board approval except at catch basin and intersection rounding where vertical granite curbing shall be required. Granite transition sections shall be provided at transitions from sloped to vertical curb.*

The applicant requests a waiver from the requirement of vertical granite curb at intersection roundings and proposes modified cape cod berm and bituminous curb throughout the subdivision, with the exception adjacent to the roadway swales. 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.

§ 5.D – Utilities

Section 5.D.1. *Adequate disposal of surface water shall be provided. Catch basins shall be built in conformity with specifications of the Selectmen on both sides of the roadway and continuous grades at intervals of not more than four hundred (400) feet, at low points and sags in the roadway and near corners of the roadway at intersecting streets.*

The applicant requests a waiver from this requirement to have no catch basins from station 5+00 to the end of the proposed cul-de-sac. In place of conventional catch basins, grassed drainage swales have been proposed on both sides of the proposed roadway.

§ 5.E – Sidewalks

Section 5.E *Not less than one (1) sidewalk which is not less than five (5) feet in width shall be constructed on one side of each street.*

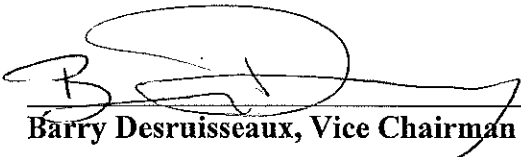
The applicant requests a waiver from this requirement to have no sidewalk as there is currently no sidewalk on Richardson Street.


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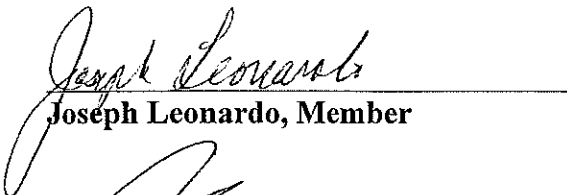
SAID DEFINITIVE SUBDIVISION APPROVAL IS GRANTED

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.

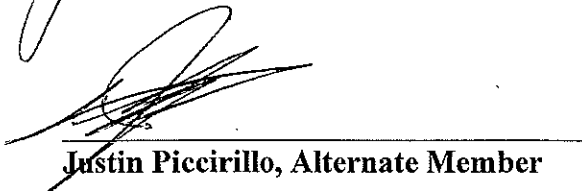
UXBRIDGE PLANNING BOARD:

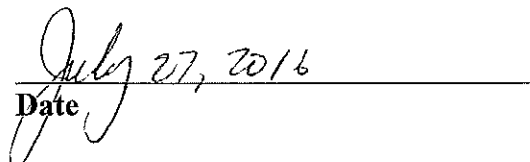

Barry Desruisseaux, Vice Chairman

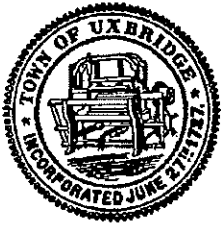

Peter Pava, Clerk


Joseph Leonardo, Member


Daniel Antonellis, Member


Justin Piccirillo, Alternate Member


Date July 27, 2016



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DECISION
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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 _____