



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

SEP 29 '16 AM 9:45

Received by  
Uxbridge  
Town Clerk

**DECISION**

**SPECIAL PERMIT  
UXBRIDGE ZONING BYLAWS  
SECTION 400-32 – RETREAT LOTS  
CASE No. : FY17-09**

Date: September 28, 2016

Name of Organization:

Name of Applicant: Mark W. & Debra A. Dunleavy

Address of Applicant: 43 Manchaug Road, Douglas, MA 01516

Owner 1: Mark W. & Debra A. Dunleavy

Address of Owner: 43 Manchaug Road, Douglas, MA 01516

Location of Property: 138 High Street, Uxbridge, MA 01569

Assessors Map(s)/Parcel(s): Map 24B, Parcels 3817

Deed Book/Page: Deed Book 46106, Page 385

Plan Dated: August 12, 2016

Engineer or Land Surveyor: Andrews Survey & Engineering  
104 Mendon Street (P.O. Box 312)  
Uxbridge, MA 01569

Zoning District(s): Residence-C

## 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 Andrews Survey and Engineering, representing Mark W. & Debra A. Dunleavy, consisted of a Special Permit Application Form, Project Narrative, 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 of 138 High Street in Uxbridge, MA owned by Mark W. & Debra A. Dunleavy" dated August 12, 2016.

Aforementioned materials are on file in the Planning Department.

The Public Hearing was opened on September 14, 2016. Voting members of the Planning Board in attendance were Vice Chair Barry Desruisseaux, Clerk Peter Pavao, Member Joseph Leonardo and Member Justin Piccirillo. 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 Paul Hutnak of Andrews Engineering.

Mr. Hutnak 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. Abutters asked questions regarding the project and one spoke positively of the proposed use of land over other proposed projects that have been proposed in the past. Following review of all materials and testimony on September 14, 2016, a **MOTION** was made by Mr. Leonardo to close the public hearing. Seconded by Mr. Piccirillo, the motion carried 4-0-0.

### 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 (has 52.32 feet) and a width of no less than 30 feet until the retreat lot is entered.
2. The lot area is 2.20 +/- acres (96,214 +/- square feet), which is at least twice the minimum lot size allowed in the Residential-C 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 require municipal water and has private septic. 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 Residential-C zone. 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 Mr. Leonardo to grant the Special Permit for **FY17-09, 138 High Street**, a Retreat Lot shown on a plan entitled "Plan of Land of 138 High Street in Uxbridge, MA owned by Mark W. & Debra A. Dunleavy" dated August 12, 2016 drawn by Andrews Survey & Engineering without a formally showing the house location and driveway. **Seconded** by Mr. Piccirillo. **The motion carried 4-0-0.**

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

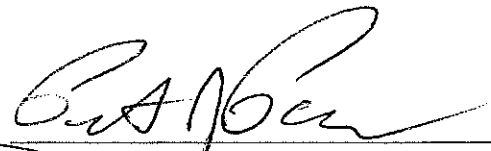
## CONDITIONS

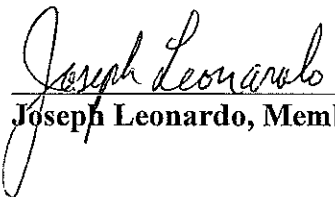
- 1) The applicant shall comply with all applicable laws, regulations, and permit conditions required by the Conservation Commission, Board of Health, Building Department, Fire Department, and all other departments and town agencies.
- 2) The Special Permit, including any attachments appendices including 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 September 28, 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 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:**

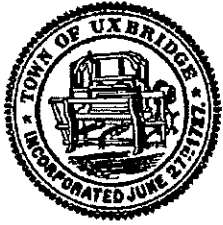
  
Barry Desruisseaux, Vice Chairman

  
Peter Pavao, Clerk

  
Joseph Leonardo, Member

  
Justin Piccirillo, Member

9/28/16  
Date



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 17-09, 138 High 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 \_\_\_\_\_