

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

APR 26 '18 04:17:17  
Received by  
Uxbridge  
Town Clerk

April 25, 2018

**DECISION  
CERTIFICATE OF APPROVAL  
DEFINITIVE SUBDIVISION MODIFICATION  
OWNERS: PAUL & KATHLEEN LAVERDIERE  
APPLICANTS: ELI LAVERDIERE**

**CASE NO. FY 17-22  
SUTTON PLACE - "STOREY LANE"**

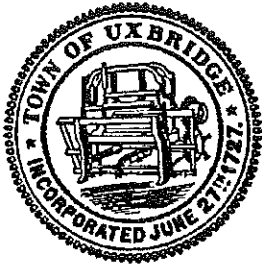
**APPLICANT/OWNER OF RECORD:**

The owners of record, Paul Laverdiere and Kathleen Laverdiere, of 75 Singletary Ave, Sutton, MA and applicant of record, Eli Laverdiere of 16 Storey Lane, Uxbridge MA, in accordance with the provisions of MGL Chapter 41 Section 81, presented for approval of a proposed subdivision modification, a Plan entitled: "Road Acceptance Plan" dated August 11, 2015, and "Roadway Topographic Plan & Profile" dated May 24, 2017, revised through December 18, 2017, prepared by Andrews Survey & Engineering, Inc. Property is located off Sutton Street, Uxbridge, MA showing three (3) proposed lots. Property is shown on the Uxbridge Assessor's Map 11, Plats/Lots 1083, 1087, 1818 & 1825 and recorded in the Worcester Registry of Deeds Book 38887, Pages 367, 369, & 371.

**PROJECT SUMMARY:**

The above named, being the owners and applicants as defined under Chapter 41, Section 81-L, submitted to the Uxbridge Planning Board for approval, a proposed subdivision modification shown on a plan entitled: "Road Acceptance Plan" dated August 11, 2015, and "Roadway Topographic Plan & Profile" dated May 24, 2017, revised through December 18, 2017, prepared by Andrews Survey & Engineering, Inc., being land bounded as follows: on the north by Sutton Street, Richard & Maureen Roy and Matthew & Jennie Keane; on the east by Town of Uxbridge; on the south by Jesse & Jennifer Hilgenberg; and the west by James & Jean Nydam Life Tenants and Carla A. Kenney. Number of lots proposed being three (3), total acreage of tract being 12.06± acres.

The above-named title is derived from Martin, Beaudoin, Beaudoin by deed dated July 27, 2004 and recorded in the Worcester District Registry of Deeds Book 34243, page 1 and said land is free from encumbrances except for the following:



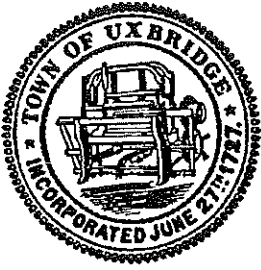
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1. Covenant with the Uxbridge Planning Board dated February 1, 2016 and recorded in the Worcester District Registry of Deeds in Book 38873, Page 290.
2. Easement for Verizon New England, Inc. dated May 7, 2007 and recorded in the Worcester District Registry of Deeds in Book 41318, Page 87.
3. Easement for Verizon New England, Inc. dated May 7, 2007 and recorded in the Worcester District Registry of Deeds in Book 41318, Page 91.
4. Easement for Massachusetts Electric Company, Inc. dated November 22, 2006 and recorded in the Worcester District Registry of Deeds in Book 40382, Page 81.
5. Declaration of Covenants, Easements, and Restrictions for Sutton Place dated May 2, 2011 and recorded in the Worcester District Registry of Deeds in Book 47507, Page 39.

Said plan has evolved from a Definitive Subdivision approved by the Uxbridge Planning Board with a Certificate of Approval dated November 30, 2005, and filed with the Uxbridge Town Clerk. The Applicant seeks a modification to the 2005 subdivision approval to remove Condition #8 and Special Condition "a". Upon completion of the roadway improvements proposed in the modification, the owners intend to seek road acceptance by the Town of Uxbridge for Storey Lane to be a public way.

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

- 1) Application for a Definitive Subdivision Modification submitted February 16, 2017 and contained application forms, deeds, ownership data, associated submittal fees, and certified abutters list.
- 2) Plans prepared by Andrews Survey & Engineering, Inc. in support of the application as follows:
  - a.) "Road Acceptance Plan" dated August 11, 2015.
  - b.) "Roadway As-Built Plan dated August 11, 2015.
  - c.) "Roadway Topographic Plan & Profile" dated May 24, 2017, revised through December 18, 2017.
- 3) Reviews, Reports, Correspondence, and Comments from:
  - a) November 9, 2016, Planning Board Meeting Minutes, Informal discussion
  - b) March 3, 2017 Graves Engineering Definitive Subdivision Modification Peer Review
  - c) October 24, 2016, October 25, 2016, & February 23, 2017 Correspondence from Department of Public Works Director



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- d) March 2017, Verbal comments from the Fire Chief: wanted at least 20' road width & agreed with Graves Engineering's recommended modifications
- e) February 16, 2018, Graves Engineering construction estimate/bond recommendation
- f) March 1, 2018, Graves Engineering email re:construction estimate/bond recommendation

### **PUBLIC HEARINGS:**

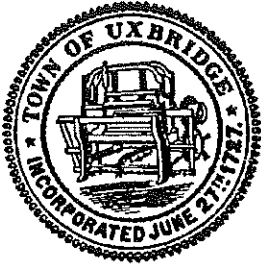
It is hereby certified by the Planning Board of the Town of Uxbridge, Massachusetts that a duly called and properly posted meeting/public hearing was posted and advertised, and was opened on March 22, 2017 and was continued over a span of meetings. Following Board discussions and opening the floor to public comment, the public hearing was ultimately closed on June 14, 2017.

### **DECISION:**

Following review of all materials and testimony on June 15, 2017 and Conditions of Approval discussed on January 24, 2018, the Board voted to approve the Sutton Place/Storey Lane Definitive Subdivision Modification application based the on the filings, conditions and waivers noted herein.

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

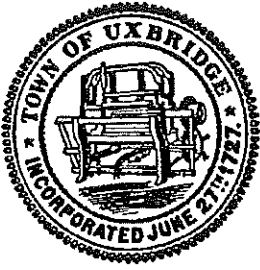
- 1) The applicant seeks several waivers from the requirements of the Subdivision Regulations. The waiver requests are reflected in the Waiver List, in Attachment 1 "Waivers".
- 2) The applicant (or assignees) shall be responsible for maintenance of all ways and infrastructure within the subdivision until road acceptance.
- 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) 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



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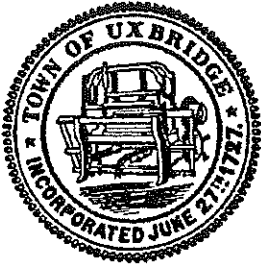
Recorder of the Land Court, a copy of said Plan and any covenants, and shall submit four copies of recorded plan(s) to the Board.

- 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 actual start of work on this 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.
- 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 on 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, 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) 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.
- 15) Prior to the scheduling of the pre-construction meeting, a Bond of \$45,705.60, in a form acceptable to the Planning Board in accordance with the Subdivision Regulations, shall be provided for the proposed road work.



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- 16) 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 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.
- 17) Development and construction shall be in compliance with application and plans submitted and any change to the number, shape, and size of the lots shown on the plan shall require approval by the Planning Board and the Department of Public Works.
- 18) During the construction for the road widening, the existing roadway and expansion areas shall have proctor and density testing to provide minimum compaction requirements.
- 19) There shall be engineering review inspections during construction and paving operations. Inspection fees to be provided by the owner.
- 20) Concrete bounds to be minimum of 4" square, 36" long.
- 21) Drainage system shall be inspected and declared by peer review engineer to be adequate for stormwater management. Drainage structures shall be cleaned and detention area shall be cleaned/groomed.
- 22) There shall be a minimum of 24' of pavement width and a 50' radius paved cul-de-sac.
- 23) Curbing shall be modified Cape Cod berm.

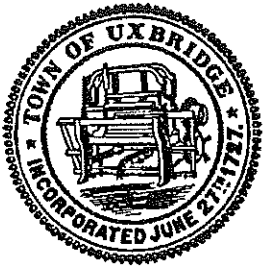


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Attachment 1  
Waiver List

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

1. Section 4.A.2.b. Waive the requirement for width of pavement to allow 24' wide paved roadway.
2. Section 4.A.4.d. Waive the requirement for a 50' right of way to be provided for the future expansion of the roadway on a dead-end street.
3. Section 5.E. Waive the requirement for the installation of sidewalks.
4. Section 5.H. Waive the requirement for the "Standard Cross Section" for the applicable requirements not proposed, and to specifically waive the requirement for sloped granite curb and allow bituminous Cape Cod Berm.



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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:**

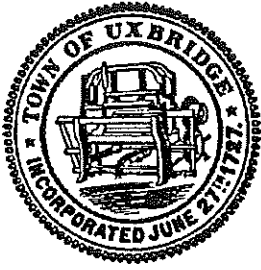
\_\_\_\_\_  
James Smith, Chairman

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Barry Desruisseaux, Vice Chairman

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Joseph Leonardo, Member

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Justin Piccirillo, Member

April 25<sup>th</sup>, 2018  
Date



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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)

\_\_\_\_\_  
Date