

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

June 14, 2017

**DECISION  
CERTIFICATE OF APPROVAL  
DEFINITIVE SUBDIVISION/RESIDENTIAL CONSERVATION DEVELOPMENT  
OWNERS: ARNOLD S. BAKER & SYLVIA A. BAKER  
APPLICANTS: JLT DEVELOPMENT, LLC/JAMES TETREAU/TIMOTHY BARLOW**

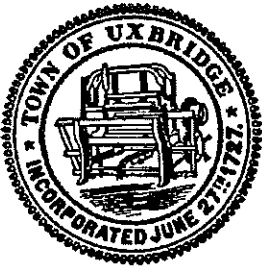
**CASE NO. FY 17-23  
TROWBRIDGE ACRES - "BAYLISS WAY"  
(off 434 Sutton Street)**

**APPLICANT/OWNER OF RECORD:**

The owners of record, Arnold S. Baker and Sylvia A. Baker, and applicant of record, JLT Development, LLC/James Tetreau/Timothy Barlow, 1 Shepard Ave, Dudley, MA, in accordance with the provisions of MGL Chapter 41 Section 81 presented for review to the Planning Board, a Definitive Subdivision Plan/Residential Conservation Development and related materials, prepared by Guerriere & Halnon, Inc. dated December 1, 2016 with the last revision dated May 3, 2017, located off 434 Sutton Street, Uxbridge, MA showing twelve (12) proposed lots. Property is shown on the Uxbridge Assessor's Map 4, Parcel 2976 and recorded in the Worcester Registry of Deeds Book 5656, Page 319.

**PROJECT SUMMARY:**

The undersigned, being the owners and applicants as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision modification shown on a plan entitled: Definitive Plans for Trowbridge Acres Conservation Subdivision designed by Guerriere & Halon Inc., dated December 1, 2016 with the last revision dated May 3, 2017, being land bounded as follows: Definitive Conservation Subdivision located 434 Sutton Street (Southeast of the intersection of Sutton Street and Rawson Street) Map 4, Parcel 29 with 12 proposed lots on a 1,250' long cul-de-sac, total acreage of tract being 34.06± acres, hereby submits said plan as a definitive subdivision plan in accordance with the Rules and Regulations of the Uxbridge Planning Board and makes application to the Board for Approval of said plan.



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Said plan has evolved from a preliminary plan submitted to the Board on March 7, 2016 and approved with modifications; filed with the Town Clerk on June 9, 2016.

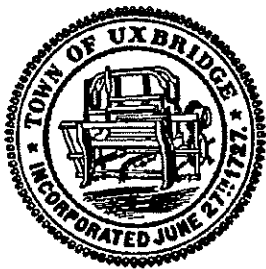
A Special Permit was granted by the Planning Board for Trowbridge Acres on June 8, 2016. It was filed with the Uxbridge Town Clerk's office on June 9, 2016, and was filed with the Worcester Registry of Deeds on July 21, 2016, Book 55670 Page 212.

The undersigned's title to said land is derived from Stuart A. Baker and Jacoba Baker by deed dated January 23, 1975 and recorded in the Worcester District Registry of Deeds Book 5656, Page 319 and said land is free from encumbrances except the following: 200' wide New England Power Company easement crosses at southwest corner of parcel; parcel currently under Chapter 61A for land growing agricultural use.

The Conservation Development will consist of 12 single-family residential lots with 10 lots front on the new street, Bayliss Way, and two lots fronting on Sutton Street, an existing public way. The proposed street is a cul-de-sac design with a pavement width of 24 feet, a right-of-way width of 50 feet and a total length of 665.7± feet. The turnaround will have a paved diameter of 100 feet and a right-of-way diameter of 124 feet. A 5-foot wide sidewalk is proposed along the roadway. Lots will be serviced by private wells, on-site septic systems and underground electric/telephone/cable.

20.7± acres of the site will be dedicated contiguous open space for agricultural use under an Agriculture Open Space Restriction. The proposed open space will have access near the end of the proposed road, Sutton Street and Rawson Street.

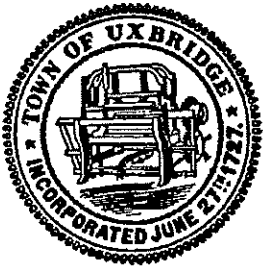
The drainage system will consist of catch basins and manholes, a water quality forebay, and a detention basin with infiltration. Catch basins equipped with hoods and four foot sumps will be provided to collect stormwater runoff, which will then outfall into a conventional sediment forebay and infiltration basin system for further treatment. An underdrain will be provided along the east side of the roadway right-of-way. In addition, a grass swale with an underground interceptor drain will be provided along the eastern side of the development running along the rear yards of the lots.



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

- 1) Application for a Definitive Subdivision Plan submitted January 4, 2017 and contained application forms, deeds, and ownership data, associated submittal fees, a certified abutters list and a list of requested waivers.
- 2) Plans drawn by Guerriere & Halon Inc., 1029 Providence Road, Whitinsville MA 01588, dated December 1, 2016 with the last revision dated May 3, 2017 consisting of the following sheets:
  - a) W-3014 Sheet 1 of 18 Cover Sheet
  - b) W-3014 Sheet 2 of 18 Definitive Index Plan
  - c) W-3014 Sheet 3 of 18 Definitive Plan
  - d) W-3014 Sheet 4 of 18 Definitive Plan
  - e) W-3014 Sheet 5 of 18 Definitive Plan
  - f) W-3014 Sheet 6 of 18 Definitive Plan
  - g) W-3014 Sheet 7 of 18 Definitive Plan
  - h) W-3014 Sheet 8 of 18 Conditions of Approval
  - i) W-3014 Sheet 9 of 18 Existing Conditions Plan
  - j) W-3014 Sheet 10 of 18 Proposed Overview Plan
  - k) W-3014 Sheet 11 of 18 Grading & Utilities Plan
  - l) W-3014 Sheet 12 of 18 Grading & Utilities Plan
  - m) W-3014 Sheet 13 of 18 Plan and Profile (Roadway)
  - n) W-3014 Sheet 14 of 18 Plan and Profile (Basin)
  - o) W-3014 Sheet 15 of 18 Construction Details
  - p) W-3014 Sheet 16 of 18 Construction Details
  - q) W-3014 Sheet 17 of 18 Construction Details
  - r) W-3014 Sheet 18 of 18 Sight Distance Plan
- 3) Reviews, Reports, Correspondence, and Comments from:
  - a) January 16, 2017 Graves Engineering Definitive Subdivision Peer Review
  - b) February 7, 2017 Department of Public Works Review
  - c) April 7, 2017 Guerriere & Halnon reply to Graves Engineering January 16, 2017 Review
  - d) April 19, 2017 Graves Engineering Definitive Subdivision Peer Review
  - e) April 24, 2017 Guerriere & Halnon reply to Graves Engineering April 19, 2017 Review
  - f) May 2, 2017 Graves Engineering Definitive Subdivision Peer Review
  - g) May 9, 2017 Guerriere & Halnon reply to Graves Engineering May 2, 2017 Review



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## **PUBLIC HEARINGS:**

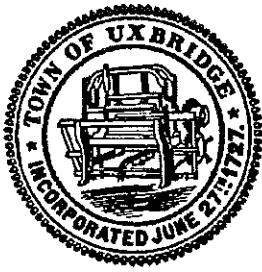
It is hereby certified by the Planning Board of the Town of Uxbridge, Massachusetts that a duly called and properly posted meeting/public hearing was posted and advertised was opened on January 25, 2017, continued for multiple meetings. Following Board discussions and opening the floor to public comment, the public hearing was ultimately closed on May 24, 2017.

## **DECISION:**

Following review of all materials and testimony on January 25, 2017, the Board voted to approve the Trowbridge Acres Definitive Residential Subdivision based the on the filings, conditions and waivers noted herein.

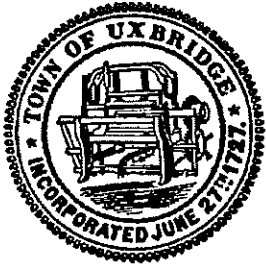
## **SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1) The applicant seeks two (2) waivers from the requirements of the Subdivision Regulations. The waiver requests are reflected in the Waiver List, in Attachment 1 "Waivers".
- 2) The owner/applicant (or assignees) shall adhere to the Terms/Findings of the Special Permit granted by the Planning Board for Trowbridge Acres on June 8, 2016, filed with the Uxbridge Town Clerk's office on June 9, 2016, and filed with the Worcester Registry of Deeds on July 21, 2016, Book 55670 Page 212.
- 3) The applicant (or assignees) shall be responsible for maintenance of all ways and infrastructure within the subdivision until road acceptance.
- 4) The contents of this Decision, including all waivers and conditions of approval, shall be shown on the plan prior to endorsement.
- 5) 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.
- 6) 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.
- 7) 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.



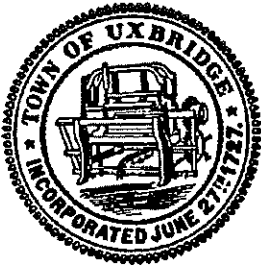
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- 8) Within six (6) months following endorsement of the approved plan, the applicant shall record with the Worcester County Registry of Deeds, and in the case of registered land, with the Recorder of the Land Court, a copy of said Plan and any covenants, and shall submit four copies of recorded plan(s) to the Board.
- 9) 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.
- 10) 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.
- 11) 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."
- 12) 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.
- 13) 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.
- 14) 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.
- 15) The applicant will comply with the "Requirements for Digital Submission for Site or Subdivision Plans, ANRs or As-Built Drawings", including fee.
- 16) 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.



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- 17) 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.
- 18) 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.
- 19) 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.



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**\*\*\*Attachment # 1**

**WAIVERS**

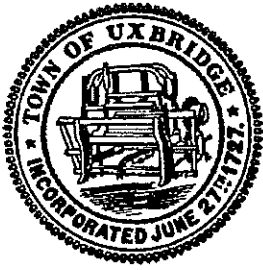
In recognition of the public benefit to be gained as described, waivers from certain requirements of the Uxbridge Subdivision Rules and Regulations are allowed as follows:

§ 5.C.6 – *Curbing shall be sloped granite edging or bituminous concrete, subject to Planning Board approval, except at catch basins and intersection rounding where vertical granite curb shall be required.*

**The applicant requests a waiver to allow modified bituminous concrete berm along straight sections of the roadway and vertical bituminous concrete around the cul-de-sac, VGC will be provided at intersection roundings and catch basins, with granite transitions from sloped to vertical curb.**

§ 4.A.1.c *Provisions satisfactory to the Board shall be made for the proper layout of streets or for access to adjoining property which is not yet subdivided.*

**The applicant requests a waiver to approve the project without a projections to adjoining property which is not yet subdivided. The projection would pass through the protected Open Space.**



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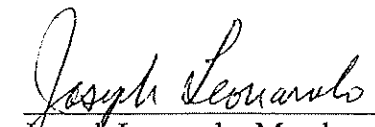
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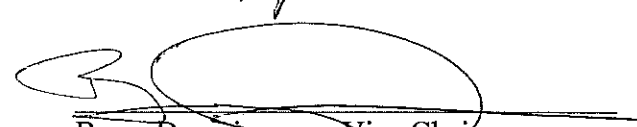
SAID DEFINITIVE SUBDIVISION APPROVAL IS GRANTED


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.

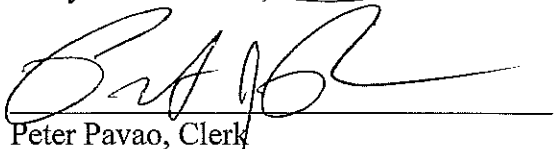
**UXBRIDGE PLANNING BOARD:**

  
James Smith, Chairman

  
Joseph Leonardo, Member

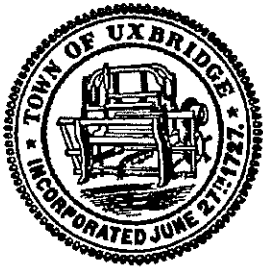
  
Barry Desruisseaux, Vice Chairman

  
Justin Piccirillo, Member

  
Peter Pavao, Clerk

  
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