

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

JUN 15 '17 PM 3:42
Received by
Uxbridge
Town Clerk

June 14, 2017

**DECISION
CERTIFICATE OF APPROVAL
DEFINITIVE SUBDIVISION MODIFICATION
OWNERS: ROBERT O. & NANCY J. RICHARDSON**

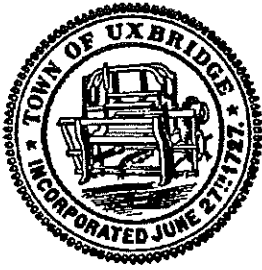
**CASE NO. FY 17-29
THREE LOTS ROAD
PRIVATE ROAD IN PERPETUITY**

APPLICANT/OWNER OF RECORD:

The owners of record, Robert O Richardson and Nancy J. Richardson of 32 East Street Uxbridge, MA, and applicant of record, Aaron Richardson of 87 Mendon Street, Uxbridge, MA., in accordance with the provisions of MGL Chapter 41 Section 81 presented for review to the Planning Board, a Definitive Subdivision Modification Plan and related materials, prepared by Heritage Design Group, LLC, dated March 7, 2017 with the last revision dated May 25, 2017, located on Three Lots Road, Uxbridge, MA showing three (3) proposed lots. Property is shown on the Uxbridge Assessor's Map 31, Parcels 1149, 1184, & 1185 and recorded in the Worcester Registry of Deeds Book 42179, Page 184.

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: THREE LOTS ROAD, a Definitive Subdivision Modification Plan designed by Heritage Design Group, LLC, dated March 7, 2017 with the last revision dated May 25, 2017 and described as follows: Residential Subdivision located on East Street, Map 31 Parcels 1149, 1184, 1185 with three (3) proposed lots on 3.54 acres, hereby submits said plans as a definitive subdivision plan modification in accordance with the Rules & Regulations of the Uxbridge Planning Board and makes application to the Board for Approval of said plan. Said plan has evolved from a definitive subdivision application approved on August 19, 2010 with said Plan recorded at the Worcester Registry of Deeds on July 29, 2011, Plan Book 899, Plan Page 100. Developer did not complete construction within 3 years and approval expired.



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The undersigned's title to said land is derived from Robert O. Richardson Living Trust by deed dated December 7, 2007 and recorded in the Worcester District Registry of Deeds Book 42179, Page 184. Sole Trustees are Robert O. Richardson and Nancy J. Richardson.

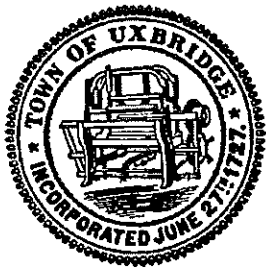
The Definitive Subdivision will consist of 3 residential lots on a 20 foot wide roadway with a 20 foot paved apron at the street entrance and recycled asphalt surface for the remaining road. The proposed road will have a turnaround at the cul-de-sac. Road will remain private in perpetuity and will be maintained by a homeowners association set up for the three lots.

FILINGS upon which the decision is based:

- 1) Application for a Definitive Subdivision Plan submitted March 27, 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 Heritage Design Group., One Main Street, Whitinsville MA 01588, dated March 7, 2017 with the last revision dated May 25, 2017 consisting of the following sheets:
 - a) 2009-112 Sheet 1 of 6 Cover Sheet
 - b) 2009-112 Sheet 2 of 6 Notes References and Legend Sheets
 - c) 2009-112 Sheet 3 of 6 Definitive Subdivision Plans
 - d) 2009-112 Sheet 4 of 6 Existing Conditions Plan
 - e) 2009-112 Sheet 5 of 6 Topographic Plans
 - f) 2009-112 Sheet 6 of 6 Roadway Plan and Profile
- 3) Reviews, Reports, Correspondence, and Comments from:
 - a) April 11, 2017 Graves Engineering Definitive Subdivision Peer Review
 - b) April 14, 2017 Heritage Design Group reply to Graves Eng. April 11, 2017 Review
 - c) April 24, 2017 Graves Engineering Definitive Subdivision Peer Review
 - d) April 25, 2017 Comments from the Fire Chief

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 and closed on May 24, 2017.



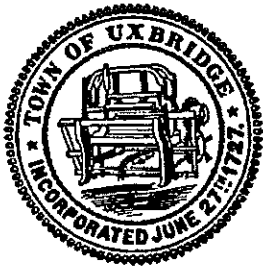
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DECISION:

Following review of all materials and testimony on May 24, 2017, the Board voted to approve the Three Lots Road based the on the filings, conditions and waivers noted herein.

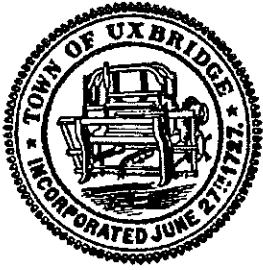
SUBJECT TO THE FOLLOWING CONDITIONS:

- 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 be responsible for maintenance of all ways and infrastructure within the subdivision.
- 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) 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 actual start of work on this subdivision.



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- 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 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) 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.



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- 18) Developer shall provide a Private Road Maintenance Agreement for the development which will be recorded along with the Certificate of Approval.

*****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.3.c. *(Grades of Streets)*

Waive the requirement for a leveling distance of no less than 80 feet with grade of not less than 0.75% nor more than 2.0%, to allow the existing 5% grade at the intersection.

§ 4.A.4.a *(Dead End Streets)*

Waive the requirement for the cul de sac turn around to have a minimum outside roadway diameter of 100 feet.

§ 4.A.5. *(Sight Distance, Intersections, Curvatures)*

Waive the requirements for stopping sight distance and intersection sight distance. The applicant is constructing a driveway to service 2 proposed lots. Available sight distance is approximately 200 feet to the west and 380 feet to the east.

§ 5.B.1 *(Street and Roadway Preparation Requirements)*

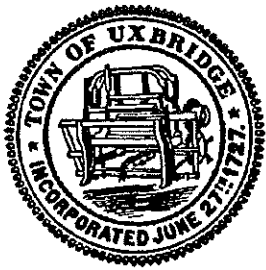
Waive the requirement to clear the entire right of way.

§ 5.C.4 *(Street and Roadway Specifications)*

Waive the requirement to provide asphalt on the entire width of the roadway.

§ 5.C.6 *(Street and Roadway Specifications)*

Waive the requirement to install curbing, specifically sloped granite edging, except at catch basins and intersection roundings, where vertical granite curbing is required.



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§ 5.D.1 (Utilities)

Waive the requirement to install catch basins on both sides of the roadway on continuous grades at intervals of not less than 400 feet, at low points and sags in the roadway and near the corners of the roadway at intersecting streets.

§ 5.D.3 (Utilities)

Waive the requirement to place all utilities underground at the time of initial construction.

§ 5.E. (Sidewalks)

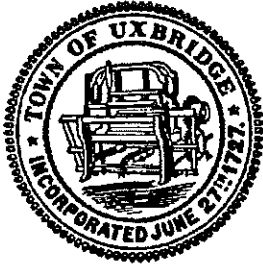
Waive the requirement to install not less than one (1) sidewalk, which is not less than five (5) feet in width shall be constructed on one side of each street.

§ 5.F. (Monuments)

Waive the requirement to install monuments at all new street intersections and at the beginning and end of the radius curves.

§ 5.I. (Roadway Cross Section)

Waive the requirements for 26 feet of pavement (to allow 20 feet of reground asphalt over gravel instead), for sloped granite curb, for 2 pavement courses, for roadway crown and 2% slope from curb to edge of right of way (allow natural grade), and for underground utilities and subdrain.



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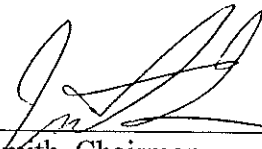
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SAID DEFINITIVE SUBDIVISION APPROVAL IS GRANTED

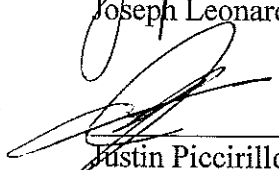
PURSUANT TO M.G.L. CHAPTER 41, SECTION 81K-81GG. APPEALS FROM THIS
DECISION SHALL BE MADE PURSUANT TO MASSACHUSETTS GENERAL LAWS
CHAPTER 41 SECTION 81BB.

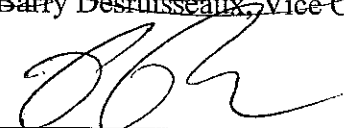
UXBRIDGE PLANNING BOARD:


James Smith, Chairman

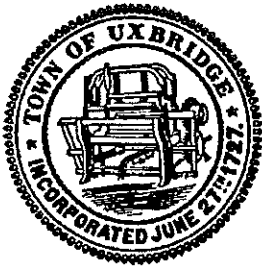

Joseph Leonardo, Member


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