

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

Received by
Uxbridge
Town Clerk

DECISION

SPECIAL PERMIT UXBRIDGE ZONING BYLAWS SECTION 400-32 – RETREAT LOTS CASE No. : FY17-31

Date: June 28, 2017

Name of Owner/Applicant: David Craig

Address of Owner/Applicant: 11 Hunter Circle, Milford, MA 01757

Location of Property: 629 Hartford Ave East, Uxbridge, MA

Assessors Map/Parcels: Map 8, Parcel 3533

Deed Book/Page: Deed Book 32976, Page 269

Plan Dated: August 13, 2014

Engineer or Land Surveyor: Andrews Survey & Engineering, Inc.
P.O. Box 312, 104 Mendon Street
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 consisted of a Special Permit Application Form, , a copy of the Deed(s), a copy of the Application for Certified Abutters List, a copy of the Certified Abutters List Report, Locus Map, associated fees, a copy of the expired ZBA Variance granted, copy of approved ANR, and a Plan of Land.
2. Plans titled "Division of Land of 629 Hartford Ave East in Uxbridge, MA owned by Emile J. Montville and Theresa R. Montville, Trustees of Emile J. Montville and Theresa R. Montville 1991 Trust" drawn by Andrews Survey & Engineering, Inc. dated August 13, 2014.

Aforementioned materials are on file in the Planning Department.

The Public Hearing was opened on June 14, 2017. The Planning Board members in attendance were Chairman James Smith, Vice Chairman Barry Desruisseaux, Clerk Peter Pavao, Member Joseph Leonardo, and Member Justin Piccirillo. The Chair read the notice of the hearing into the record. Present on behalf of the applicant was Stephen O'Connell with Andrews Survey & Engineering, Inc. (ASE). No members of the public wished to comment.

Following review of all materials and testimony on June 14, 2017, a **MOTION** was made by Mr. Desruisseaux to close the Public Hearing. Motion was seconded by Mr. Piccirillo. Motion carried 5-0-0.

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 158.28 feet) and a width of no less than 30 feet until the retreat lot is entered.
2. The lot area is 6.97+/- 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, with Conditions, 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 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 there will be a private well and private septic. The facility and all associated infrastructure shall be maintained by the applicant/owner (or assignees).
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 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 minimal impact on the natural environment; The Conservation Commission has issued an Order of Conditions.
9. There is a potential positive fiscal impact; property tax revenue increase.

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

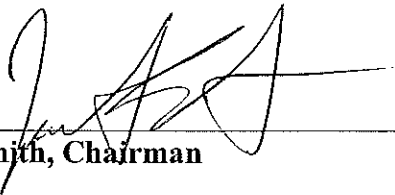
- 1) The applicant shall comply with all applicable laws, regulations, and permit conditions required by the Conservation Commission, Board of Health, Building Department, Fire Department, and all other departments and town agencies.
- 2) The Special Permit, including any attachments appendices including 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) 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) Said lot shall be in compliance with all other requirements of the Zoning District in which it is located.
- 6) Any dwelling constructed on said lot shall be a single family home.
- 7) The access of said lot shall be within the boundary lines of the lot and shall not be subject to any RIGHT OF WAY nor any PUBLIC or PRIVATE EASEMENT.
- 8) Once a retreat lot is approved by the Planning Board it cannot be subsequently divided into additional lots.

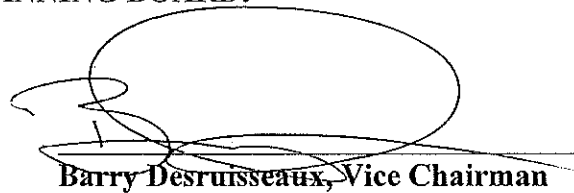
DECISION

**SPECIAL PERMIT
UXBRIDGE ZONING BYLAWS
SECTION 400-32 – RETREAT LOTS
CASE No. : FY17-31**

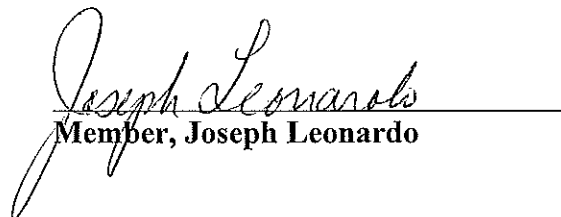
SAID SPECIAL PERMIT APPROVAL IS GRANTED PURSUANT TO UXBRIDGE ZONING BYLAWS CHAPTER 400, ARTICLE VII, SECTION 400-32, RETREAT LOTS AND M.G.L. CHAPTER 40A, SECTION 9. APPEALS FROM THIS DECISION SHALL BE MADE PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 40A, SECTION 9.

UXBRIDGE PLANNING BOARD:


James Smith, Chairman

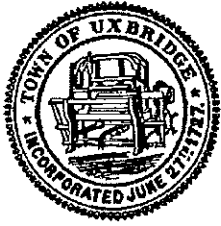

Barry Desruisseaux, Vice Chairman

Peter Pavao, Clerk


Member, Joseph Leonardo


Justin Piccirillo, Member

28 June 2017
Date



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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 _____