



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

JAN 30 '19 PM 2:54

Received by  
Uxbridge  
Town Clerk

**DECISION**  
**SPECIAL PERMIT/RETREAT LOT**  
**UXBRIDGE ZONING BYLAWS**  
**SECTION 400-50 – SPECIAL PERMITS**  
**SECTION 400-32 – RETREAT LOTS**  
**FY19-13, 125 Stanphyl Road & 619 West Street**

Date: January 23, 2019

Name of Applicant: Ronald Parsons

Address of Applicant: 125 Stanphyl Rd., Uxbridge, MA 01569

Owner: Cynthia LaFrance and Stanphyl Road Irrevocable Trust, Cynthia LaFrance Trustee

Address of Owner: 125 Stanphyl Rd, Uxbridge, MA 01569

Location of Properties: 125 Stanphyl Road & 619 West Street

Assessors Maps/Parcels: Maps 32 & 37, Parcels 3087 & 852

Deed Books/Pages: Deed Books 44412 & 38891, Pages 390 & 177

Plan Dated: November 14, 2018

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

Zoning District(s): Agricultural Zone

**BACKGROUND/SUMMARY**

**FILINGS**

As of the close of the Public Hearing, the Planning Board has received the following written materials:

1. The application submittal consisted of a Special Permit Application Form, Project Narrative, a copy of the Quitclaim Deed(s), a copy of the Application for Certified Abutters List, a copy of the Certified Abutters List Report, envelopes and postage, Locus Map, associated fees, and a Plan of Land.
2. Plans titled "PLAN OF LAND OF STANPHYL RD. IN UXBRIDGE, MA OWNED BY CYNTHIA M. LAFRANCE & STANPHYL ROAD IRREVOCABLE TRUST" drawn by Andrews Survey & Engineering, Inc. dated November 14, 2018.

Aforementioned materials are on file in the Planning Department.

The Public Hearing was scheduled for December 12, 2019 but due to a quorum issue, the public hearing opened on December 19, 2018. Present on behalf of the applicant was Stephen O'Connell with Andrews Survey & Engineering, Inc. (ASE) who stated the application was to attach a long narrow piece of land on West Street to the rest of the Lot on the other side of the property, at the end of Stanphyl Road, for the purpose of constructing a single family dwelling on the Retreat Lot, with private water and sewer and also to cut out the existing house lot and convey it. Discussion was had regarding easements, the railroad bed, drainage/stormwater, abutting properties, endangered wildlife, wetlands, and access. Also discussed, two garages on one Lot, existing business, and zoning requirements.

The Chair opened the Public Hearing to public comment and heard from abutters. Following review of all materials and testimony on December 19, 2018 and January 9, 2019, a Motion was made by Mr. Desruisseaux to close the Public Hearing, it was seconded by Mr. Laverdiere, and the Motion carried 4-0-0. Mr. Leonardo was absent on January 9, 2019.

## **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 and a width of no less than 30 feet until the retreat lot is entered.
2. The lot area is 13.9 +/- acres which is at least twice the minimum lot size allowed in the Agricultural 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 and driveway.
6. There is minimal impact on utilities and other public services.  
The dwelling will be service by a private well and septic system. The dwelling and all associated infrastructure shall be maintained by the owner/applicant.
7. There is little to no impact on the neighborhood character and social structures.  
The project is located in the Agricultural Zoning District. 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 an impact on the natural environment –Conservation/Endangered Wildlife and will be subject to any requirements of the Conservation Commission and the State.
9. There is little fiscal impact on town services.

## **DECISION**

**MOTION: to grant the Special Permit for a Retreat Lot, for 125 Stanphyl Road 619 West Street with a Condition that a driveway needs to be constructed off of West Street prior to any Building Permits made by Mr. Desruisseaux. Motion was seconded by Mr. Hauck. Motion carried 4-0-0. Mr. Desruisseaux added that the standard Retreat Lot Conditions of Approval should also be included in the Decision.**

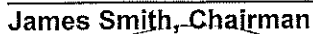
No waivers were sought for this Special Permit application. The conditions of approval are set forth below.

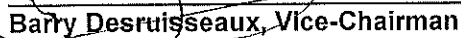
## CONDITIONS

- 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 as well as the State and Endangered Wildlife Authorities.
- 2) The Special Permit, including any attachments, appendices, 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 three (3) years, on January 24, 2022, from 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 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 with reduced frontage is approved by the Planning Board it cannot be subsequently divided into additional lots.
- 6) A driveway with access from West Street must be constructed and passable by inspectors and first responders before the dwelling can be built.

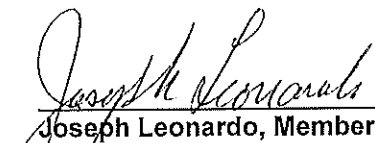
SAID SPECIAL PERMIT APPROVAL IS GRANTED PURSUANT TO UXBRIDGE ZONING BYLAWS CHAPTER 400, ARTICLE VII, §400-32, RETREAT LOTS. UXBRIDGE ZONING BYLAWS CHAPTER 400, ARTICLE IX, §400-50, SPECIAL PERMITS. M.G.L. CHAPTER 40A, SECTION 9. APPEALS FROM THIS DECISION SHALL BE MADE PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 40A, SECTION 9.

### UXBRIDGE PLANNING BOARD

  
James Smith, Chairman

  
Barry Desruisseaux, Vice-Chairman

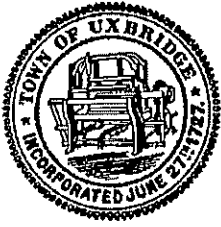
  
Eli Laverdiere, Clerk

  
Joseph Leonardo, Member

  
Barry Hauck, Member

January 23, 2019

Date



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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 \_\_\_\_\_