

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

DECISION
CERTIFICATE OF APPROVAL
DEFINITIVE INDUSTRIAL SUBDIVISION
PUBLIC ROAD
Case No. FY19-15, Bevilacqua Industrial Park-1

Date: May 22, 2019

Name of Owner/Applicant: 1025 – 1045 Quaker Highway Realty Trust

Address of Owner/Applicant: 586 Quaker Highway
Uxbridge, MA 01569

Location of Property: 1025 – 1045 Quaker Highway, Uxbridge, MA 01569

Assessors Map(s)/Parcel(s): Map 56, Lots 2117 & 2853

Deed Book(s)/Page(s): Deed Book 52700 Page 79

Site Plan Dated: November 14, 2018; Last revised March 29, 2019

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

Zoning District(s): Industrial Zone B

PROJECT SUMMARY:

The owner of record, 1025 – 1045 Quaker Highway Realty Trust, 586 Quaker Highway, Uxbridge, MA, in accordance with the provisions of MGL Chapter 41 Section 81 presented for review to the Planning Board, a Definitive Industrial Subdivision Plan and related materials, prepared by Andrews Survey & Engineering, Inc. dated November 14, 2018 with the last revision dated March 29, 2019 located at 1025 – 1045 Quaker Highway, Uxbridge, MA showing five (5) proposed lots. Property is shown on the Uxbridge Assessor's Map 56, Parcels 2117 & 2853 and recorded in the Worcester Registry of Deeds Book 52700 Page 79.

The project area is located in an Industrial Zone and is comprised of approximately 13.7± acres of land situated on the west side of Quaker Highway, approximately 463 feet north of the Technology Drive and is bounded to the south by private single-family residences, and to the west and north by vacant land. Across Quaker Highway to the east are also private single-family residences. The property is currently undeveloped woodland with a bordering vegetated wetland located within the middle of and to the west of the property.

1025 - 1045 Quaker Highway Realty Trust stated they intend to develop the property located behind 1025 -1045 Quaker Highway including the construction of a roadway with grading, drainage, and utilities. The roadway would provide access to five (5) lots as part of the industrial subdivision. The lots within the project would be serviced by private sewage disposal systems and private wells. Electric and gas services would be provided from Quaker Highway.

FILINGS upon which the decision is based:

- 1) Application for Definitive Subdivision Plan, submitted December 12, 2018 and containing application Form-C dated December 3, 2018, operation and management plan and a stormwater management report dated November 14, 2018, deeds, and ownership data, fee schedule, and associated submittal fees, a certified abutters list and a list of requested waivers.
- 2) Plans drawn by Andrews Survey & Engineering, Inc. 104 Mendon Street/ P.O. Box 312, Uxbridge, MA 01569, dated November 14, 2018, March 29, 2019 and consisting of the following sheets:
 - a) C-0.0 Cover Sheet
 - b) C-1.0 Legend, Abbreviations, & General Notes
 - c) C-2.0 Index Sheet
 - d) C-3.1-3.2 Existing Conditions
 - e) C-4.1-4.2 Definitive Subdivision Plans
 - f) C-5.1-5.2 Topographic & Utility Plans
 - g) C-6.0 Plan & Profile Enterprise Way
 - h) C-7.0 Future Buildout Plan
 - i) C-8.1 -8.4 Construction Details
- 3) Reviews, Reports, Correspondence, and Comments from:
 - a) December 27, 2018: Graves Engineering Definitive Subdivision Plan Review #1
 - b) March 29, 2019: Andrews Survey & Engineering Peer Review Comment Responses #1
 - c) April 29, 2019: Graves Engineering Definitive Subdivision Plan Review #2

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 opening on January 9, 2019. The hearing was continued over a span of meetings with the Board receiving requests for continuances and granting of extensions. Following Board discussions and public comment, the public hearing was ultimately closed on May 8, 2019.

DECISION:

Following review of all materials and testimony, on May 22, 2019, the Board voted to approve the Bevilacqua Definitive Industrial Subdivision based on the filings, conditions, and waivers noted herein.

MOTION: to accept with the following changes, delete 12, construction hours, and changes to condition 18 made by Mr. Laverdiere Motion was seconded by Mr. Hauck.
Motion carried 4-0-0.

SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) The applicant shall comply with all applicable laws, regulations, and permit conditions required by the Planning Board, Conservation Commission, Board of Health, Building Department, Fire Department, Department of Public Works, Mass DOT, and all other departments and agencies for this project.
- 2) Prior to the start of construction on this subdivision or roadway, including tree clearing, the Applicant must notify the Planning Board and schedule a pre-construction meeting to be held with representatives of the town of Uxbridge DPW, Fire Chief, Police Chief, Planning Department, Conservation Commission, the Planning Board's third-party engineer, and any other agencies deemed necessary, and provide contact information of site supervisors/contractors.
- 3) Applicant shall provide and maintain engineering review monies for inspections/reviews throughout construction in an amount to be determined by the Board.
- 4) The applicant (or assignees) shall be responsible for maintenance of all ways and infrastructure within the subdivision until the road is accepted by the Town. Said maintenance includes but is not limited to, the removal of snow.
- 5) The contents of this Decision, including all waivers and conditions of approval, shall be shown on the plan prior to endorsement.
- 6) Plans shall be submitted for endorsement within sixty (60) days of the expiration of the twenty (20) 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.
- 7) 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.
- 8) 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.

- 9) 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 or the Certificate of Approval will become null and void. The applicant shall submit four copies of recorded plan(s) to the Board.
- 10) 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.
- 11) All street names shall be approved by the Board of Selectmen. Street name signs shall be posted prior to the clearing of trees and/or actual start of work on this subdivision.
- 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) The applicant will comply with the "Requirements for Digital Submission for Site or Subdivision Plans, ANRs or As-Built Drawings", including fee.
- 14) Copies of all recorded instruments, including this decision, deed restrictions, easements (utility 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.
- 15) 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 extension has been granted by the Planning Board). Failure of the developer to complete construction as stated above shall 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.
- 16) Construction hours: 6:00 a.m. to 8:00 p.m. Monday thru Friday, 7:00 p.m. to 5:00 p.m. Saturday, with no Sunday or holiday work.
- 17) The existing decision, including reduced construction requirements, shall not be valid beyond the lots approved herein. Development and construction shall be in compliance with the application and plans submitted and any change to the number, shape, and size of lots or extension of the roadway shown on the plan require approval by the Planning Board and/or the Department of Public Works.
- 18) The applicant seeks various waivers from the requirements of the Subdivision Regulations. The waiver requests and the Board's votes thereon are reflected in the Waiver List, in Attachment 1 "Waivers".

***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.1 – Location and Alignment

§ 4.A.1.g *Street shall be laid out as to intersect at right angles.*

Due to the existing property geometry, an angle of 65 degrees has been provided at the intersection of the proposed roadway and Quaker Highway.

§ 5.3 – Street and Roadway Specifications

§ 5.3.6 *Curbing shall be sloped granite edging or bituminous concrete, subject to Planning Board approval except at catch basin and intersection rounding where vertical granite curbing shall be required. Granite transition sections shall be provided at transitions from sloped to vertical curb.*

The applicant requests a waiver from the requirement of vertical granite curb at intersection roundings and proposes modified cape cod berm throughout the subdivision, with the exception at catch basins. The intersection roundings at the existing entrance at Quaker Highway are constructed with modified cape cod berm.

§ 5.5 *Not less than one (1) sidewalk, which is not less than five (5) feet in width, shall be constructed on one (1) side of the street. Sidewalk shall abut street with vertical bituminous concrete or sloped granite.*

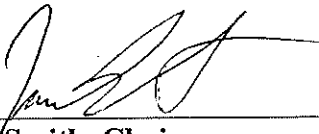
The applicant requests a waiver from this requirement to have no sidewalk as there is currently no sidewalk on Quaker Highway and this will be an industrial subdivision.

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SAID DEFINITIVE SUBDIVISION APPROVAL IS GRANTED

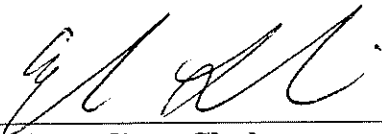
PURSUANT TO M.G.L. CHAPTER 41, SECTION 81K-81GG. APPEALS FROM THIS DECISION SHALL BE MADE PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 41 SECTION 81BB.

UXBRIDGE PLANNING BOARD:

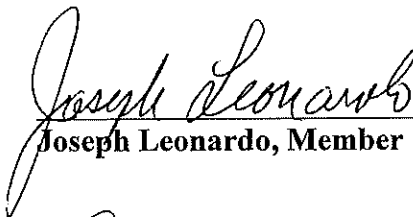


James, Smith, Chairman

Barry Desruisseaux, Vice-Chairman



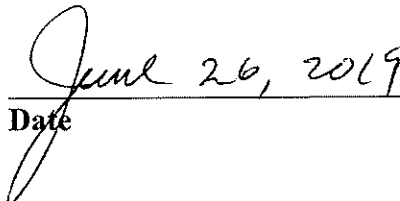
Eli Laverdiere, Clerk



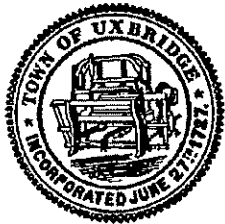
Joseph Leonardo, Member



Barry Hauck, Member



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 _____