



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
FY19-18, 1012 Hathaway Lane

Date: January 23, 2019

Name of Applicant: Herman R. Hathaway Realty Trust, Herman R. Hathaway & Garrick Hathaway Trustees

Address of Applicant: 685 Chocolog Road, Uxbridge, MA 01569

Owner: Herman R. Hathaway Realty Trust, Herman R. Hathaway & Garrick Hathaway Trustees

Address of Owner: 685 Chocolog Road, Uxbridge, MA 01569

Location of Properties: 1012 Hathaway Lane, Uxbridge, MA 01569

Assessors Map/Parcel: Map 47 Parcel 1556

Deed Book/Page: Deed Book 23030 Page 168

Plan Dated: December 4, 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 "DIVISION OF LAND OF 1012 HATHAWAY LANE IN UXBRIDGE MA OWNED BY THE HERMAN R. HATHAWY REALTY TRUST" drawn by Andrews Survey & Engineering, Inc. dated December 4, 2018.

Aforementioned materials are on file in the Planning Department.

The Public Hearing opened on January 9, 2018. The Chair read from the public notice of the hearing into the record, and then asked the applicant to make a presentation.

Present on behalf of the applicant was Stephen O'Connell with Andrews Survey & Engineering, Inc. (ASE) who stated the application was to create a Retreat Lot for a single family dwelling.

The Chair opened the Public Hearing to public comment and heard from abutters. Following review of all materials and testimony on January 9, 2019, the public hearing was closed.

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 4+/- acres (174, 262 square feet) 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 serviced by a private well and septic system. The facility 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 little impact on the natural environment
The applicant is seeking permission to build one single family residence and driveway.
9. There is little fiscal impact on town services.

DECISION

MOTION II: to grant the Special Permit for a Retreat Lot, for 1012 Hathaway Lane with standard Conditions made by Mr. Desruisseaux. Motion was seconded by Mr. Laverdiere. 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, 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 driveway 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.

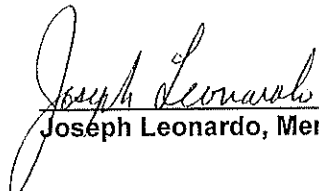
SAID SPECIAL PERMIT APPROVAL IS GRANTED PURSUANT TO UXBRIDGE ZONING BYLAWS CHAPTER 400, ARTICLE VII, §400-32, RETREAT LOTS. UXBRIDGE ZONING BYLAWS CHAPTER 400, ARTICLE IX, §400-50, SPECIAL PERMITS. M.G.L. CHAPTER 40A, SECTION 9. APPEALS FROM THIS DECISION SHALL BE MADE PURSUANT TO MASSACHUSETTS GENERAL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


UXBRIDGE PLANNING BOARD


James Smith, Chairman


Barry Desruisseaux, Vice-Chairman

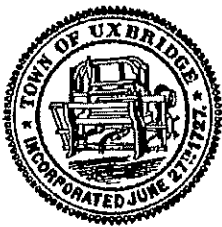

Eli Laverdiere, Clerk


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 _____