

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

REC'D UXB TOWN CLERK  
2019 JUL 11 PM4:48

**DECISION**  
**TOWN OF UXBRIDGE MASSACHUSETTS**  
**CERTIFICATE OF APPROVAL**  
**DEFINITIVE RESIDENTIAL SUBDIVISION**  
**PRIVATE ROAD IN PERPETUITY**

**Case No. FY19-22, Baker Lane**

Date: July 10, 2019

Name of Owner/Applicant: Gerald W. Baker Jr. & Robert S. Baker

Address of 1<sup>st</sup> Owner: P.O. Box 92  
Uxbridge, MA 01569

Location of Property: 111 Rivulet Street

Assessors Map(s)/Parcel(s): Map 12C, Parcel 2524

Deed Book(s)/Page(s): Deed Book 11000 Page 48

Site Plan Dated: February 20, 2019; Last revised May 13, 2019

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

Zoning District(s): Residence C

## PROJECT SUMMARY:

The owners of record, Gerald W. Baker Jr. of P.O. Box 92, Uxbridge, MA 01569, and Robert S. Baker of 58 Hartford Avenue West, Uxbridge, MA 01569, in accordance with the provisions of MGL Chapter 41 Section 81, presented for review to the Planning Board, a Definitive Residential Subdivision Plan and related materials prepared by Andrews Survey & Engineering, Inc. for 111 Rivulet Street, Uxbridge, MA showing two (2) proposed lots on a proposed Private Way. Property is shown on the Uxbridge Assessor's Map 12C, Parcel 2524 and recorded in the Worcester Registry of Deeds Book 11000, Page 48.

The project area is located in the Residence C zoning district and is comprised of approximately 2.76± acres of land, bounded northerly by Sharon English, Thomas Malloy, and Matthew Blood; easterly by David I. Iannitelli, Andrews D. & Linda J. Garabedian, Nathan A. & Rebecca S. Burkhart and the Lydon Living Trust; southerly by the Edmund Allega Nominee Trust and John E. Allega (deceased); and westerly by Christopher D. Shaw and Rivulet Street.

The applicant proposes the construction of a two (2) lot subdivision with associate roadway, single family dwellings, grading, drainage, and utilities. MA DEP Stormwater Management Standards did not apply to the proposed development, but good engineering practices were applied to minimize stormwater runoff from the site. Runoff from the proposed roadway shall be captured and conveyed by a grass swale to an infiltration basin.

## FILINGS upon which the decision is based:

- 1) Application for Definitive Subdivision Plan, submitted February 20, 2019 (time stamped March 19, 2019) and containing application Form-C dated January 29, 2019, Stormwater narrative & corresponding documents dated February 20, 2019, deeds, and ownership data, fee schedule and associated submittal fees, a certified abutters list with corresponding envelopes and postage, 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 February 20, 2019, with a final revision date of May 13, 2019 and consisting of the following sheets:
  - a) C-1.0 Existing Conditions Plan
  - b) C-2.0 Definitive Subdivision Plan
  - c) C-3.0 Grading, Drainage, & Utility Plan
  - d) C-4.0 Plan & Profile Plan
  - e) C-5.0 Construction Details
- 3) Reviews, Reports, Correspondence, and Comments from:
  - a) March 28, 2019: Abutter Comment
  - b) April 9, 2019: Graves Engineering Definitive Subdivision (Private Way) Peer Review #1
  - c) April 9, 2019: DPW Comments #'s 1-3
  - d) May 13, 2019: Andrews Survey & Engineering Peer Review Comment Responses #1
    - o Subdivision and Street name changed to Baker Lane
  - e) May 13, 2019: Graves Engineering Definitive Subdivision Peer 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 April 10, 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 22, 2019.

## **DECISION:**

Following review of all materials and testimony, on July 10, 2019, the Board voted to approve Baker Lane Definitive Residential Subdivision based the on the filings, conditions, and waivers noted herein. Waivers were voted on individually.

**MOTION:** to endorse the Decision for Gerald and Robert Baker for Baker Lane made by Mr. Desruisseaux. Motion was seconded by Mr. Leonardo. Motion carried 5-0-0.

## **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) Owner/Applicant shall provide and maintain engineering review monies for inspections/reviews throughout construction in an amount to be determined by the Board.
- 4) The Owner/Applicant (or assignees) shall be responsible for maintenance of all ways and infrastructure within the subdivision. 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) 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.
- 7) 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.
- 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 including comments from the third-party engineer and DPW. 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.
- 18) The Developer shall provide a Private Road Maintenance Agreement for the development which will be recorded along with the Certificate of Approval.
- 19) Baker Lane is to be constructed as a private way, shall remain a private way in perpetuity, and is not intended to be now, or at any time in the future, a public way. No petition shall ever be made to the Town of Uxbridge seeking to change the status of Baker Lane from that of a private way.
- 20) 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:

§ 4.1.1 – Location and Alignment

§ 4.1.1 (item 8) *Property lines at street intersections shall be rounded or cut back to provide for a curb radius or a right of way of not less than twenty-five (25) feet.*

**A twenty-five (25) foot rounding cannot be provided on the northern property line due to the existing property line configuration. A twenty-five (25) foot rounding is provided on the southern right of way property line. Both the northern and southern curb radii are equal to twenty-five (25) feet.**

§ 4.1.10 – Private Ways

§ 4.1.10.2 – General Construction Specifications and Waivers/Modifications

*General construction specifications, listed in SECTION 4 of the Uxbridge Subdivision Rules and Regulations, will be abided by with the following allowable waivers/modification upon approval by the Planning Board:*

§ 4.1.10.2 (Item 1) *Developer shall employ low impact development for drainage such as roadside swales. Additional drainage structures may be required based on DPW and third-party engineer's review(s). Sidewalks, curbing, and closed drainage systems can be waived if the project proposes efficient, low-impact development that does not drain onto the Public Way.*

**The applicant requests this waiver/modification to be allowed for the proposed private way. Roadside swales are being proposed to carry stormwater to a settling basin on site. No sidewalks or curbing is proposed.**

§ 4.1.10.2 (Item 2) *Private Ways can incorporate a 40 foot minimum T-shaped turnaround, in lieu of a cul-de-sac, at the Planning Boards discretion with approval from DPW and the Fire Chief.*

**The applicant requests this waiver/modification to be allowed for the proposed private way. A T-shaped turnaround has been proposed that conforms to Figure 4-2 – Typical Private Roadway.**

§ 4.1.10.2 (Item 3) *No traffic impact study is required*

**The applicant requests this waiver/modification to be allowed for the proposed private way.**

**DECISION**  
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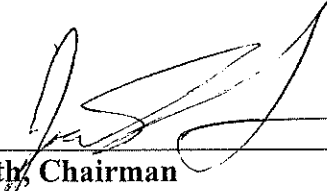
**Case No. FY19-22, Baker Lane**

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SAID DEFINITIVE SUBDIVISION APPROVAL IS GRANTED

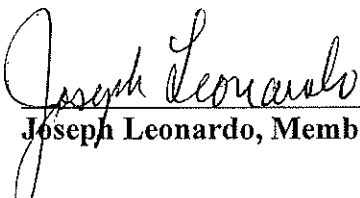
PURSUANT TO M.G.L. CHAPTER 41, SECTION 81K-81GG. APPEALS FROM THIS DECISION SHALL BE MADE PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 41 SECTION 81BB.

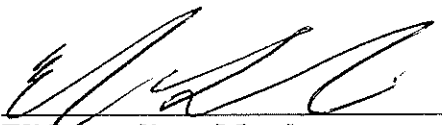
**UXBRIDGE PLANNING BOARD:**

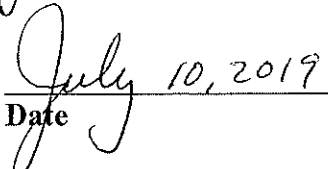
  
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James, Smith, Chairman

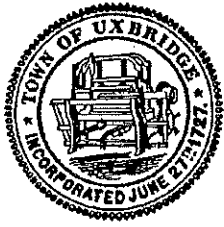
  
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Barry Desruisseaux, Vice-Chairman

  
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Barry Hauck, Clerk

  
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Joseph Leonardo, Member

  
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Eli Laverdiere, Member

  
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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 \_\_\_\_\_