

Town of Uxbridge
PLANNING BOARD
21 South Main Street
Uxbridge, MA 01569
508-278-8600 x2013

REC'D TOWN CLERK
2019 NOV 25 14:17

November 21, 2019

DECISION
CERTIFICATE OF APPROVAL
DEFINITIVE RESIDENTIAL SUBDIVISION; UXBRIDGE WOODS
OWNER: UXBRIDGE REALTY TRUST/MARK FOSS

CASE NO. FY20-02
UXBRIDGE WOODS DEFINITIVE RESIDENTIAL SUBDIVISION
EBER TAFT ROAD

APPLICANT/OWNER OF RECORD:

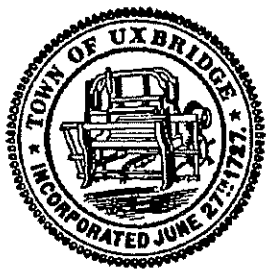
The owners of record, Uxbridge Realty Trust/Mark Foss, 370 Main Street, Worcester MA, in accordance with the provisions of G.L. Chapter 41, Sections 81L to 81GG, presented for review to the Planning Board, a Definitive Subdivision Plan and related materials, prepared by Andrews Survey & Engineering, Inc. dated July 25, 2019 with the last revision dated October 10, 2019, located on Eber Taft Road, Uxbridge, MA showing a road improvement plan, stormwater management plan, and the creation of seven (7) residential lots. Property is shown on the Uxbridge Assessor's Map 33, Parcel 3073 and recorded in the Worcester Registry of Deeds Books 35868, 35868, 34773, & 34773 Pages 250, 252, 7, & 9; Also Judgement recorded in Book 58339 Page 153.

PROJECT SUMMARY:

The undersigned, being the owners and applicants as defined under Chapter 41, Section 81-L, applied for approval of a proposed subdivision shown on a plan entitled: Definitive Plans for Uxbridge Woods designed by Andrews Survey & Engineering Inc., dated July 25, 2019 with the last revision dated October 10, 2019, being land bounded as follows:

The project area is comprised of a parcel of land situated in the central portion of the Town of Uxbridge on the southerly side of Eber Taft Road totaling 37.38± acres and is bounded on the north by Eber Taft Road; on the east by a previously approved Retreat Lot; on the south by vacant land owned by the Town of Uxbridge; and on the west by vacant properties. A single point of access of the subdivision road will be from the existing improved portion of Eber Taft Road.

The project area is comprised of wooded land with existing sloped topography ranging in elevation from 474 at the current terminus of Eber Taft Road down to elevation 402 as you move away south towards the land owned by the Town of Uxbridge. There is a Bordering Vegetated Wetland that encompasses the



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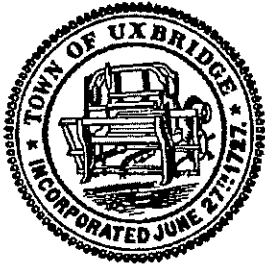
middle of the site. NRCS Soil Survey Maps illustrate soils with hydrologic soil group classifications of B, C and D.

Said plan has evolved from ongoing discussions with the Town of Uxbridge and the Uxbridge Planning Board since 2015.

The project was originally submitted as a Road Improvement Plan, and has now been submitted as a Definitive Subdivision that will widen the existing unimproved portion of Eber Taft Road to comply with the right of way width and centerline radius requirements in the Rules & Regulations Governing the Subdivision of Land. In that Eber Taft is believed to be a public way, the provisions of Section 4.1.11 of the Uxbridge Subdivision Regulations, entitled Unimproved Public Ways, apply to the subdivision. The proposed roadway improvement and development will create seven (7) single-family residential building lots. These lots will be served by the proposed roadway, which will have a total centerline length of approximately 1,700± linear feet. As part of the stormwater system design, proposed dwellings and driveways were sited on each of the building lots to illustrate anticipated build-out conditions and attain the future impervious area of the development under the post development scenario. The proposed stormwater system consists of roadside swales and culverts on both sides of the street. Each dwelling will be served by private individual wells and individual on-site subsurface sewage disposal systems.

FILINGS upon which the decision is based:

- 1) Application for a Definitive Subdivision Plan submitted September 3, 2019 and contained application forms, deeds, and ownership data, associated submittal fees, a certified abutters list and a list of requested waivers.
- 2) Plans titled "Uxbridge Woods a Definitive Subdivision Eber Taft Road Uxbridge, MA 01569, drawn by Andrews Survey & Engineering Inc., 104 Mendon Street, Uxbridge, MA dated July 25, 2019 with the last revision dated October 10, 2019, and labeled as "PLAN NO. L-5940", consisting of the following sheets:
 - 1.) C-0.0 Cover Sheet
 - 2.) C-1.0 Legend, Abbreviations, & General Notes
 - 3.) C-2.0 Index Sheet
 - 4.) C-3.1 Existing Conditions Plan
 - 5.) C-3.2 Existing Conditions Plan
 - 6.) C-3.3 Existing Conditions Plan
 - 7.) C-4.1 Definitive Subdivision Plan
 - 8.) C-4.2 Definitive Subdivision Plan
 - 9.) C-4.3 Definitive Subdivision Plan
 - 10.) C-5.1 Topographic & Utility Plan
 - 11.) C-5.2 Topographic & Utility Plan
 - 12.) C-5.3 Topographic & Utility Plan
 - 13.) C-6.1 Eber Taft Road Plan & Profile



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- 14.) C-6.2 Eber Taft Road Plan & Profile
- 15.) C-7.1 Construction Details
- 16.) C-7.2 Construction Details

3) Related Materials include the following:

- 1.) Stormwater Management Permit Application and application fee along with a Stormwater Management Report dated October 29, 2018 with a final revision date of March 18, 2019.

4) Reviews, Reports, Correspondence, and Comments from:

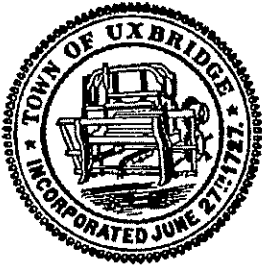
- 1.) Dated 1/16/19 Graves Engineering Peer Review #1 (roadway improvement)
- 2.) Dated 01/18/19 Department of Public Works Review (roadway improvement)
- 3.) Dated 02/22/18 revised 3/15/18 Eber Taft Soil Logs
- 4.) Dated 03/11/19 Andrews Survey reply comments (to 1/16/19 Graves Review & 1/18/19 DPW Review)
- 5.) Dated 10/02/19 Graves Engineering Peer Review #1
- 6.) Dated 10/03/19 Andrews Survey reply comments to Graves Peer Review #1
- 7.) Dated 10/09/19 Graves Engineering Peer Review #2
- 8.) Dated 10/09/19 DPW email
- 9.) Dated 10/24/19 Graves Engineering Peer Review #3

PUBLIC HEARINGS:

It is hereby certified by the Planning Board, of the Town of Uxbridge, Massachusetts, that a duly called and properly posted and noticed meeting/public hearing was opened on September 25, 2019. Following Board discussions and opening the floor to public comment, the public hearing was ultimately closed on October 9, 2019.

DECISION:

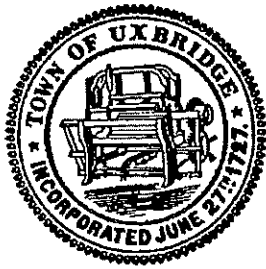
Following review of all materials and testimony on September 25, 2019 and October 9, 2019, along with the final plan revisions of October 10, 2019 and Graves Engineering's review dated October 24, 2019, and pursuant to the Subdivision Control Law. and the Town of Uxbridge Subdivision Rules and Regulations, as well as the Uxbridge Zoning Bylaws, the Board voted to grant approval to Uxbridge Woods Realty Trust/Mark Foss and their respective successors and assigns based on the filings, conditions and waivers noted herein.



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SUBJECT TO THE FOLLOWING CONDITIONS:

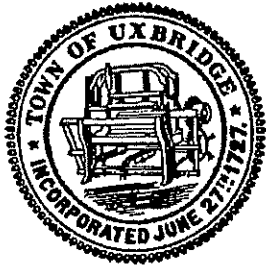
- 1) The applicant seeks waivers from the requirements of the Subdivision Regulations. The waiver requests and the Board's decision with respect thereto are reflected in the Waiver List, in Attachment 1 "Waivers".
- 2) Excepting any municipal obligations with respect to the maintenance of Eber Taft Road, the applicant (or assignees) shall be responsible for maintenance of all ways and infrastructure within the subdivision until deemed complete by the Planning Board.
- 3) The conditions and waivers included within this Decision shall be shown on the plan prior to endorsement.
- 4) Plans shall be submitted for endorsement within sixty (60) days of the expiration of the twenty-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.
- 5) Concurrent with the endorsement and recording of the Plan, a covenant shall be executed and recorded, pursuant to G.L. c. 41, §81U. As further set forth in such covenant, all conditions of approval shall be satisfied in full prior to any lot release for building, sale, or occupancy. The form of the Covenant is subject to the prior approval of the Board, which may consult Town Counsel. At the Applicant's option, alternative security, as stated in said §81U may be employed, with the form and amount of such security being subject to the prior approval of the Board
- 6) 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.
- 7) 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, this decision and any covenants, and shall submit four copies of recorded plan(s) to the Board.
- 8) 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.
- 9) All grades necessary to construct roadway not in the right-of-way shall be granted easements, if necessary, by the Developer.



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- 10) The developer shall retain rights to any and all easements that may be needed for Town-accepted infrastructure. Such rights shall be assignable in easement form to the Town of Uxbridge on request.
- 11) All regulations and requirements of the Building Department, Board of Health, Fire Department, Department of Public Works, Police Department, Conservation Commission and all other town agencies shall be fully complied with.
- 12) The applicant will comply with the "Requirements for Digital Submission for Site or Subdivision Plans, ANRs or As-Built Drawings", including fee.
- 13) In that this matter plan was reviewed and approved under the "Unimproved Public Way" provisions, as aforesaid, and, in that the Applicant is seeking to enter onto the public way and do substantial work therein, this approval is contingent upon the requirement that, prior to actual start of work on this subdivision or roadway construction activity, the Applicant shall execute a license agreement with the Town's Board of Selectmen to allow access for construction. The form of such agreement is subject to the final approval of the Town, which may consult Town Counsel.
- 14) Prior to actual start of work on this subdivision or roadway construction activity a pre-construction meeting will be held with representatives of the town of Uxbridge DPW, Water Department, Fire Chief, Police Chief, Planning Department, Conservation Commission and any other town agencies deemed necessary.
- 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 an extension has been granted by the Planning Board). Failure of the developer to complete construction as stated above may 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) Development and construction shall be in compliance with application and plans submitted and any change to the number, shape, and size of the lots shown on the plan shall require approval by the Planning Board and the Department of Public Works.

****See attachment #1, "WAIVERS"*



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***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 were requested and are allowed as follows:

Section 5 – Street and Roadway Requirements and Specifications

5.3 – Street and Roadway Specifications

5.3.6 Curbing

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. Grassed drainage swales have been proposed on both sides of the proposed roadway. The waiver is granted, subject to compliance with the approved Plan and this Decision.

5.4 – Utilities

5.4.1 Water Disposal

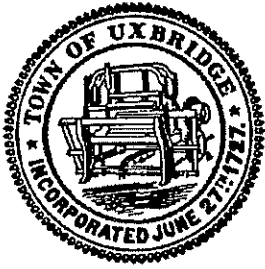
Adequate disposal of surface water shall be provided. Catch basins shall be built in conformity with specifications of the Selectmen on both sides of the roadway and continuous grades at intervals of not more than four hundred (400) feet, at low points and sags in the roadway and near corners of the roadway at intersecting streets.

The applicant requests a waiver from this requirement to have no catch basins within the proposed roadway. In place of conventional catch basins, grassed drainage swales have been proposed on both sides of the proposed roadway. The waiver is granted, subject to compliance with the approved Plan and this Decision.

5.5 – Sidewalks

Not less than one (1) sidewalk which is not less than five (5) feet in width shall be constructed on one side of each street.

The applicant requests a waiver from this requirement to have no sidewalk as there is currently no sidewalk on Eber Taft Road. The waiver is granted, subject to compliance with the approved Plan and this Decision.



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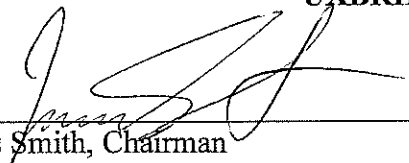
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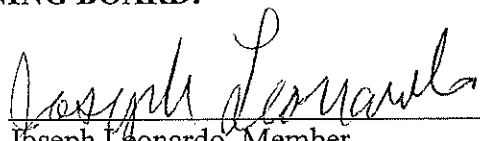
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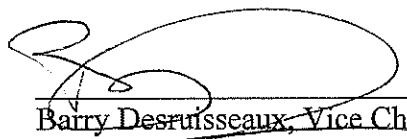
SAID DEFINITIVE SUBDIVISION APPROVAL IS GRANTED

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

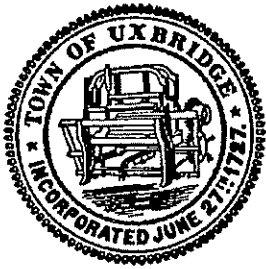

Joseph Leonardo, Member


Barry Desruisseaux, Vice Chairman/Clerk


Eli Laverdiere, Member

Barry Hauck, Clerk

11/22/19
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