

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

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DECISION
CERTIFICATE OF APPROVAL
DEFINITIVE RESIDENTIAL SUBDIVISION
Sherman Farm Estates, Off Elm Street

APPLICANT/OWNER OF RECORD:

The applicant, James Smith, and owners of record, Gerald W. and Susan Baker, in accordance with the provisions of MGL Chapter 41 Section 81, presented for review to the Planning Board, a Definitive Subdivision Application, Plans, and related materials, prepared by Allen Engineering and Associates dated June 16, 2022 for land off the end of Elm Street, Uxbridge, MA, showing six (6) proposed lots. Property is shown on the Uxbridge Assessor's Map 11, Parcel 2436 and recorded in the Worcester Registry of Deeds in Book 11000, Page 48.

PROJECT SUMMARY:

The project site is comprised of a 10.5+/- acre parcel located entirely within the Residential "C" Zoning District. The land known as Assessor Map 11, Parcel 2436 at the end of Elm Street in Uxbridge is currently owned by Gerald and Susan Baker. Access to this parcel is through a previously recorded "Road Easement" over the land of Christopher Cheetham.

The majority of the site is an open grassy field. The northerly and easterly portions of the land are within 100 feet of off-site wetland resources. The underlain soil is classified as sand and gravel. There are no mapped Certified Vernal Pools or areas of Estimated Habitats of Rare Wildlife under the Natural Heritage and Endangered Species Program (NHESP), FEMA flood plains, or Areas of Critical Environmental Concern (ACEC) located on the project site.

The site is bordered to the west by Cottage Street and Homestead Avenue; to the north and east by vacant land of Linwood Mills and Devrie Corporation; and to the south by land Christopher Cheetham.

The proposed project is designed in accordance with the Uxbridge Subdivision Regulations. The design consists of the creation of six (6) new lots and two (2) Parcels. The new lots will derive their legal frontage and access from a new extension off the end of Elm Street. This new roadway will be approximately 625 feet long and will terminate in an offset cul-de-sac. The roadway will seek to become a "Public Way" once completed. The applicant is seeking waivers from the typical subdivision road design standards (see Sheet 2). The new lots will meet or exceed the dimensional requirements of the Uxbridge Zoning Bylaw for the Residential "C" District.

Future development of the lots will be serviced by individual subsurface sewage disposal systems and public water subject to approval by the Uxbridge Board of Health. Overhead telephone, cable tv and electric services will be extended from the existing infrastructure located in Elm Street.

The subdivision design meets or exceeds the Mass DEP Stormwater Management Standards. The project construction within 100 feet of a resource will be permitted through the Conservation Commission. Each house will also need to be approved through the Uxbridge Building Department.

FILINGS upon which the decision is based:

- 1) Application for Definitive Subdivision Plan, submitted June 16, 2022, containing definitive subdivision plans and application materials consisting of Form C, copies of deeds, application fees, a certified abutters list, and a list of requested waivers.
- 2) Plans drawn by Allen Engineering and Associates, One Charlesview Road, Hopedale, MA 01747, dated June 16, 2022, revised November 14, 2022; and consisting of the following sheets:
 - a) C-0.0 Cover Sheet
 - b) C-1.0 Existing Conditions Plan
 - c) C-2.0 Definitive Subdivision Plan
 - d) C-3.0 Topographic Plan
 - e) C-4.0 Plan & Profile Sheet
 - f) C-5.0 Construction Details
- 3) Reviews, Reports, Correspondence, and Comments from:
 - a) July 13, 2022: Graves Engineering, Inc. Review Letter #1
 - b) Sept. 12, 2022: AEA Graves Engineering Comment Response Letter #1
 - c) July 7, 2022: DPW Review Comment Memo #1
 - d) Sept. 22, 2022: DPW Review Comment Memo #2
 - e) Sept. 29, 2022 Graves Engineering, Inc. Review Letter #2
 - f) November 4, 2022: AEA Graves Engineering Comment Response Letter #2
 - g) November 9, 2022 DPW Review Comment # 3
 - h) November 16, 2022 Graves Engineering, Inc. Review Letter #4
 - i) November 16, 2022 DPW Review Comment # 4

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 July 13 2022. 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 November 16, 2022.

DECISION:

Following review of all materials and testimony on November 16, 2022, the Board voted to approve Sherman Estates Definitive Subdivision based the on the filings, conditions, and waivers noted herein. In doing so, the

Planning Board recognizes and approves of the road extension of 620.52 feet, due to the fact that Public Water is being provided and that Public Safety officials have no issue with the length.

SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) The 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.
- 2) The contents of this Decision, including all waivers and conditions of approval, shall be shown on the plan prior to endorsement.
- 3) Plans shall be submitted for endorsement within sixty (60) days following 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.
- 4) A surety shall be required, pursuant to MGL 41 Section 81U prior to endorsement of the plans.
- 5) 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.
- 6) 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, and shall submit four copies of recorded plan(s) to the Board.
- 7) 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.
- 8) All street names shall be approved by the Board of Selectmen. Street name signs shall be posted prior to the submittal of applications for building permits within the subdivision.
- 9) All regulations and requirements of the Building Department, Board of Health, Fire Department, Department of Public Works, Police Department and all other town agencies shall be fully complied with.
- 10) The applicant will comply with the "Requirements for Digital Submission for Site or Subdivision Plans, ANRs or As-Built Drawings", including fee.
- 11) 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.
- 12) Prior to actual start of work on this subdivision or roadway construction activity including tree clearing, 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.

- 13) 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 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.
- 14) Construction hours of operation shall be 6:00 a.m. to 6:00 p.m. Monday-Friday and 8 a.m. to 4:00 p.m. on Saturdays. No work shall be performed on Sunday or holidays.
- 15) The Applicant has agreed that it will reconfigure the existing Elm Street cul-de-sac in accordance with the Plan entitled "Cul De Sac Removal Plan", provided it shall not be obligated to complete such reconfiguration unless the Town has voted to accept the subdivision ways as public ways. Accordingly, prior to the endorsement and recording of a plan pursuant to this approval, the applicant shall post a surety to the satisfaction of the Planning Board, in both form and amount, to complete the reconstruction of the existing Elm Street cul-de-sac as depicted in such plan. If such Road is accepted by Town Meeting, the applicant shall initiate reconstruction of the cul-de-sac within 60 days of such approval and obtain the necessary permits to proceed, completing such reconstruction within 60 days.

In recognition of the public benefit, waivers from certain requirements of the Uxbridge's Subdivision Rules and Regulations are allowed as follows:

Waiver Requests (Revised 9/28/22)

The following waivers are requested and granted from the Rules and Regulations Governing the Subdivision of Land, Uxbridge, Massachusetts.

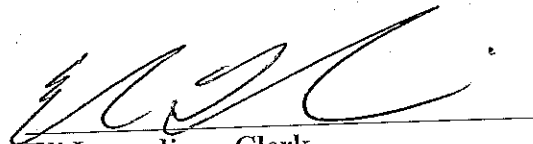
1. Section 5.3.6 – Curbing
 - Required: Granite or bituminous concrete.
 - Requested: Vertical Asphalt Berm along the sidewalk and Cape Cod Berm everywhere else.
2. Section 5.7.7 (Figure 5.1) – Standard Cross Section
 - Required: Grass strip between road and sidewalk.
 - Requested: No grass strip. Keep the sidewalk against the paved street as it currently is on Elm Street.

**DECISION
CERTIFICATE OF APPROVAL
DEFINITIVE RESIDENTIAL SUBDIVISION
SHERMAN FARM ESTATES – OFF ELM STREET**

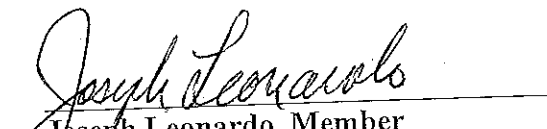
SAID DEFINITIVE SUBDIVISION APPROVAL IS GRANTED

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


Eli Laverdiere, Clerk


Barry Hauck, Vice Chairman


Joseph Leonardo, Member

Rory St. Pierre, Member

Date