Town of Uxbridge

Planning Board

21 South Main Street

Uxbridge, MA 01569

(508) 278-8600, ext. 2013



#### DECISION

**CERTIFICATE OF APPROVAL**

**DEFINITIVE RESIDENTIAL SUBDIVISION**

**PRIVATE ROAD**

**Yusef Subdivision, 284 Mendon Street**

**APPLICANT/OWNER OF RECORD:**

The applicant and owner, Ahmed Mirajuddin w/West River Homes, 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 & Associates Inc. dated August 29, 2022 for land at 284 Mendon Street, Uxbridge, MA, showing three (3) proposed lots and a private subdivision road. Property is shown on the Uxbridge Assessor's Map 19, Parcel 2475 and recorded in the Worcester Registry of Deeds in Book 63572, Page 194.

**PROJECT SUMMARY:**

The project site is comprised of a 5.3+/- acre parcel located entirely within the Residential “B” Zoning District. The land known as 284 Mendon Street in Uxbridge is currently owned by West River Homes, LLC. The Uxbridge Assessors office references this property as Map 19, Parcel 2475.

The site is currently improved with a house and various outbuildings. It is the applicant’s intent to keep the existing home, but to remove the outbuildings and pool. There are no known wetland resources on site nor within 100 feet of the property. Also, 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 land of Chester Stevens; to the north by vacant land of The Town of Uxbridge; to the east by land of the applicant; and to the south by Mendon Road (Route 16).

The proposed project is designed in accordance with “Section 4.1.10 Private Ways” of the Uxbridge Subdivision Regulations. The design consists of the creation of three (3) new lots and one (1) lot that will be for the existing home. The lots will be at least 43,560 square feet and will derive their legal frontage and access from the new dead-end roadway having a length of approximately 650 feet, terminating in a hammer head style cul-de-sac. The roadway will be “Private” and constructed with a 20-foot-wide asphalt surface. 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 B District. The future land owners will enter into a “Homeowners Association” in which to fund the operation and Maintenance of the new roadway and utilities.

Future development of the lots will be serviced by Town Water and Sewer. Underground telephone, cable tv, gas and electric services will be extended from the existing infrastructure located in Mendon Road.

**FILINGS upon which the decision is based**:

1) Application for Definitive Subdivision Plan, submitted September 9, 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 & Associates, 140 Hartford Avenue East, Hopedale, MA 01747, dated September 9, 2022, revised December 16, 2022; and March 6, 2023 consisting of the following sheets:

* 1. C-1.0 Cover Sheet
	2. E-1.0 Existing Conditions Plan
	3. L-1.0 Lotting Plan
	4. G-1.0 Grading Plan
	5. P-1.0 Plan & Profile Sheet
	6. D-1.0/2.0 Construction Details
1. Reviews, Reports, Correspondence, and Comments from:

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| --- | --- | --- |
| a) | September 29, 2022: | Graves Engineering, Inc. Review Letter #1 |
| b) | December 16, 2022:  | AEA Engineering Comment Response Letter #1 |
| c) | September 23, 2022:  | DPW Review Comment Memo #1 |
| d) | January 8, 2023: | Graves Engineering, Inc. Review Letter #2 |
| e) | March 3, 2023: | AEA Engineering Comment Response Letter #2 |
| f) | January 10, 2023:  | DPW Review Comment Memo # 2 |
| g) | March 17, 2023: | Graves Engineering Review Letter #3 |
| h) | January 8, 2023:  | Fire Department letter |
| i) | March 17, 2023: | Graves Engineering Review #3 |
| j) | March 20, 2023:  | DPW Review Comments Memo #3 |

**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 September 28, 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 April 12, 2023.

**DECISION:**

Following review of all materials and testimony on April 12, 2023, the Board voted 4 (Smith, Laverdiere, Hauck, Leonardo) in favor; 1 (LaPierre) against to approve Yusef Definitive Subdivision based the on the filings, conditions, and waivers noted herein.

**SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The applicant (or assignees) shall be responsible for maintenance of all ways and infrastructure within the subdivision in perpetuity. Said maintenance includes but is not limited to, the removal of snow.
2. The contents of this Decision, including all 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 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 sale or occupancy.
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. The existing decision, including reduced construction requirements, shall not be valid beyond the lots approved herein, and the roadway shall not be extended in distance or function without further approval of the Planning Board.
10. 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 upon request.
11. 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.
12. The applicant will comply with the “Requirements for Digital Submission for Site or Subdivision Plans, ANRs or As-Built Drawings”, including fee.
13. 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.
14. 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.
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 one (1) year 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.
16. 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.
17. Pursuant to the Uxbridge Subdivision Control By Law regulating private roads, the proposed roadway shall remain private in perpetuity.
18. Phase I shall be the limit of disturbance and tree lines as depicted on sheet SW-1 will are the final erosion control boundaries of this approval.
19. Phase II shall be the development of Lots 1, 2 and 4 as depicted on Sheet SW-2
20. Prior to the issuance of a building permit for Lots 1, 2 and 3, the Planning Board, through a majority vote of members, must determine all improvements as outlined on the approved plans and conditions are satisfactorily completed in Phase I and the limit of disturbance is stabilized.
21. Prior to the release of lots 1, 2, and 3 in Phase II, the applicant must enter into a satisfactory a surety agreement with the Town.
22. Prior to a Certificate of Occupancy for each Lot(s) (1, 2 and 3), the Planning Board, by a majority of vote of its members, must determine that each individual lot must be complete and stabilized in its Phase II development in the opinion of the Towns peer engineer.
23. If at any time during construction the land disturbance exceeds one (1) acre, the applicant shall be considered in violation of this Subdivision Approval and the project will immediately cease construction. At that time, a Stormwater Permit will be necessary in order for the applicant to proceed with the project.

#### DECISION

**CERTIFICATE OF APPROVAL**

**YUSEF**

**DEFINITIVE RESIDENTIAL SUBDIVISION**

**PRIVATE ROAD**

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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 Eli Laverdiere, Clerk**

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**Barry Hauck, Vice Chairman Joseph Leonardo, Member**

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**Rory St. Pierre, Member Date**

Town of Uxbridge

Planning Board

21 South Main Street

Uxbridge, MA 01569

(508) 278-8600, ext. 2013



#### DECISION

**DEFINITIVE SUBDIVISION – APPROVED**

**PRIVATE ROAD**

 **Yusef Subdivision – 284 Mendon Street**

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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_