

SCITUATE PLANNING BOARD MINUTES July 14, 2016

Members Present: Stephen Pritchard, Chairman; William Limbacher, Vice Chairman; Ann Burbine, Clerk, Robert Vogel and Alternate member Gerard Wynne.

Members Absent: Richard Taylor.

Others Present: Ms. Laura Harbottle, Town Planner.

See Sign-in List for names of others present at this meeting.

Location of meeting: Selectmen's Hearing Room, Town Hall, 600 C J Cushing Highway, Scituate.

Chairman Pritchard called the meeting to order at 7:30 P.M.

Documents

- 7/14/16 Planning Board Agenda

ACCEPTANCE OF AGENDA: Ms. Burbine moved to accept the agenda. Mr. Limbacher seconded the motion and the vote was unanimous in favor.

Ms. Harbottle indicated The Rivershed discussion was not going to take place until September as the owners are still working on information.

Proposed Plan for Cole Parkway

Documents

- Cole Parkway parking Plan
- Scituate Harbor Report dated 6/2002 by the Cecil Group

Ms. Harbottle said that there is a plan to change the parking in Cole Parkway. She indicated the Planning Board has discussed the issue many times over the years. She said that a 2002 study done by the Cecil Group made suggestions for a better use of the parkway and to have it more efficient. She indicated they wanted to downsize the parking a bit for more green space around the gazebo. She said there have also been previous studies. Ms. Harbottle said the Town Administrator wanted to work on the area so she commissioned a study by MAPC in 2015. She indicated the study recommended changes to the area including looped circulation and short, medium and long term parking spaces. She indicated that things are moving quickly to implement the new circulation and that perhaps the Planning Board can contribute in some fashion; although, she has been charged with getting signs for installation hopefully before Heritage Days.

Mr. Vogel asked if a traffic engineer had looked at the plans. Ms. Harbottle said she believes that MAPC has traffic engineers on staff. Ms. Burbine said she thought there was not supposed to be overnight parking at Cole Parkway and said the parking will need to be metered. She said she understood the circulation, but cars by the gazebo would ruin the view and wishes that things had not been done in a vacuum. Chairman Pritchard said that the Planning Board relies on this parking for the stores along Front Street and is concerned as how the parking will be policed. Ms. Harbottle said there will be no change in the parking numbers. Ms. Burbine suggested that some boaters park for a week in the summer and perhaps there could be a drop off area and then long term parking off the parkway in the summer in Jenkins school as school is not in session then. She said that when the Mill Wharf Plaza came in, they were supposed to have one car/unit which was not enough parking

and the extras end up in Cole Parkway. Ms. Harbottle suggested if the Board wants input, then perhaps she can put together a memo for the chairman. Mr. Vogel said he would like to see the water more accessible. Ms. Burbine concurred and said green space by the gazebo would encourage people to sit and enjoy the concerts. Chairman Pritchard said he would like a memo from the Board and he would like to see the study as it seems like it is the Board's purview.

Public Hearing – Mixed Use Special Permit

21 – 23 Ford Place

Assessor's Map/Block/Lot 53-5-17

Applicant/Owner: Ford Realty Trust

Documents

- New Site Plan and elevations for 21 – 23 Ford Place dated 7/6/16
- Engineering review from Amory Engineers dated 7/11/16
- Application for Mixed Use Special Permit materials sent 6/21/16
- Email to Greg Morse/Chris Ford dated 7/11/16 from Laura Harbottle with the Amory report
- Email from Chris Ford to Laura Harbottle dated 7/14/16 with email and sketch sent to the MBTA

Greg Morse and Chris Ford were present for the applicant. Mr. Ford said he has applied for a special permit for a mixed use in the Village Business Overlay District to allow a new building to be moved to the site. Mr. Morse said that the existing site has two buildings – one a single family and the other is the Greenbush Post Office which will be replaced with the barn from 50 Country Way. He said there would be a space for the post office and a small office on the lower floor of the building and an apartment on the second floor. He indicated the site is not in the Water Resource Protection District and there are no issues with the aquifer. Mr. Morse said the square footage of the site allows a yield of two residential units without a public benefit and 5.7 parking spaces are needed and seven are to be supplied. He indicated that the building has been moved closer to Ford Place to fit the criteria at the request of the Board. He indicated there is a slight increase in impervious surface that will be treated by a stormceptor and infiltration will occur on site. He also said there is public sewer.

Mr. Morse said they met with the Design Review Committee on 7/12/16 and they had no major comments and didn't criticize the project too greatly. He said there were mostly minor comments from the engineering peer review, with the biggest comment being access on the east from the MBTA easement. He indicated that correspondence has been sent to the MBTA, but there is no final easement agreement yet.

Pat Brennan of Amory Engineers was present as the peer review engineer. He said the comments are minor and include:

- the cultic chamber detail should be revised to show the stone on top which is needed for H2O loading and the stone eliminated from the bottom to promote leaching;
- the cross pitch on the walk should be a maximum of 1/4";
- the hydrant should be protected with bollards or a curb;
- access over the MBTA property needs to be formalized and;
- items from the operation and maintenance plan for construction should be shown on the plan as the contractor is not going to read the report.

Mr. Morse said he would like to do only one revision so he would like to hear the Board's comments. Ms. Harbottle said that she would like to see documents for an easement over the MBTA land and agrees with Mr. Brennan on the fire hydrant and suggests talking to the Fire Department. She indicated that no public benefit is needed as long as the building is in close proximity to the road, but suggested the building may want to have a more historic look. Ms. Harbottle said that the building would look better if the overhead electric utility was put underground. She said that Scituate prefers silt sock instead of silt wattles during construction and noted that several landscaping changes have occurred on the plans.

Ms. Burbine said she likes the building located as it is now closer to Ford Place and is concerned about the area in the MBTA easement where people walk to the train. Mr. Morse said that Ford Place ends at the wall along the MBTA train line. He said there is a walking path from Driftway to 50 Country Way and they have asked the MBTA for a license to use 24 feet for parking leaving six feet for the path. He said they could perhaps do pavement markings to delineate the path. Ms. Burbine said that unless there is some type of delineation, people will park in the walk. Chairman Pritchard agreed that delineation of the walkway is necessary. Mr. Limbacher asked if moving the building was still progressing. Mr. Ford said he has been meeting with the movers, D & K Movers. He said that the lamp posts on Country Way make the road a little narrower; however Al Bangert said there is a not too difficult way to remove them. He said he is getting less response from National Grid as they have to pay electrical costs when buildings are moved.

Mr. Ford indicated the building will come off the 50 Country Way site and precede left on Country Way and then down Ford Place. He said only lights on the left side of the road need to be moved and it may not need to be all of them. He said the move will occur once the new foundation is in. He indicated he needs to gain the Selectmen's approval for the move as he anticipates construction in September. Mr. Ford indicated that going through the back is not an option anymore as there are now foundations at 13 Ford Place. He said the move should not be too disruptive. Mr. Limbacher asked about the timeframe. Mr. Morse said it is a total of two to three month process as the foundation is done first, then the move then finishing around the building. Mr. Ford said the preference is to slide the building onto a new foundation as the building was significantly upgraded in the 1990's.

Mr. Vogel said he is okay with everything; but is concerned about the slivers near the building as he does not want to see them full of crabgrass. Taryn Consilvio of 22 Ford Place asked about construction vehicle parking as she said emergency vehicles have a problem turning around now as people do park in the street for the post office. She said that she did not believe that seven parking spaces would be adequate. Marylou Consilvio, the mother in law of Taryn Consilvio, said that the street is a dead end people park on the street now. Mr. Ford indicated that work will be done on the building prior to its move so there will not be much construction parking needed. He said parking should be much better as there are only four spaces there now and seven spaces are proposed. Marylou Consilvio said there is a path in the easement and she is concerned about people backing into it. Mr. Ford said that not too many people use the walk. Chairman Pritchard indicated it is a walk and needs to be protected. Mr. Vogel suggested the possibility of curbing. Marylou Consilvio asked if the mailboxes on the corner would be an issue. Chairman Pritchard asked where construction parking will be. Mr. Ford said there will be no construction parking on the street and he will not be impacting the mailboxes. Ms. Harbottle said she will ask the Fire Department if they have issues with the turn around and hydrant.

Mr. Wynne asked where the single family home occupants will park. Mr. Ford said they will have the last two of the seven spaces as they have two spaces now which the town installed in exchange for using 50 Country Way as a staging area for the Greenbush work. Mr. Vogel asked if the lights would be cast down for shielding light to neighboring property. Mr. Morse indicated they would. Ms. Burbine inquired how many parking spaces would be available for the one bedroom apartment – she said she assumed one so that three spaces would be residential and four would be relocated. Mr. Morse said that was correct as one space is required for the apartment, two are required for the house and 2.7 (3) are required for the office space. He said they are providing seven spaces in total. Taryn Consilvio said that the people in the house now have four cars.

Chairman Pritchard summarized the list of items he heard were concerns including:

- overhead electric – can it be put underground;
- MBTA access easement – is a license or easement obtained for this use from the MBTA;
- landscaping – it should be clearly shown on the plans;
- protection of the pedestrian path in the MBTA right-of-way;
- moving of the building – coordination is progressing;
- stormwater – issues seem to be addressed;
- parking for construction vehicles on site;
- down lighting and;
- coordination with the Fire Department through the Town Planner.

Ms. Burbine asked if there is potential for overflow parking just beyond the paved area to address the neighbor's concerns. Mr. Morse said he thinks the item can be easily addressed.

Ms. Burbine moved to accept the applicant's request to continue the public hearing for the Mixed Use Special Permit in the Village Business Overlay District for 21 – 23 Ford Place until August 11, 2016 at 7:30 pm and continue the time for the Planning Board to take final action until August 26, 2016. Mr. Limbacher seconded the motion. Motion was unanimously approved. Mr. Ford said that he will go back to the original plan if the MBTA is not willing to give him a license.

Accounting

Documents

- PO # 1609139 (\$718.25), PO # 1609411 (\$488.22), PO # 1609496 (\$125.00)

Ms. Burbine moved to approve the requisition of \$718.25 to Amory Engineers, P.C. for engineering services related to Kimberly Estates, for \$488.22 to Chessia Consulting Services, LLC for construction inspections for The Glen and for \$125.00 to Amory Engineers, P.C. for engineering review for 7 Blanchard Farm Lane (Lot 8). Mr. Limbacher seconded the motion. Motion was unanimously approved.

Minutes

Ms. Burbine voted to approve the meeting minutes of 6/23/16. Mr. Limbacher seconded the motion. Motion was unanimously approved.

Town Planner Report

Ms. Harbottle said she is working on getting signs for Cole Parkway as the Town Administrator would like to see them installed soon. She indicated that she is putting together the bid documents for Kimberly Estates. She said the record of the last vote was sent to three locations and we have received the green cards back and the vote was also emailed to Mr. Matthews. She indicated that she discussed this with Town Counsel who indicated there was nothing more the Board had to do with respect to notification. Ms. Harbottle said that the 50 Country Way report on the Wetherbee House was received from Odeh Engineers. She said the report is a little ambiguous, but an engineer will be present at the July 28 Planning Board meeting for the discussion. She said the report suggests that everything damaged can be replaced.

Chairman Pritchard asked about the lots on First Parish Road. Ms. Harbottle said they have applied for a Stormwater Permit and have indicated that the tree and any stone wall remnants were on the property. She said she thinks the scenic road issue is resolved and has asked for a plan to show the exact location of the tree before it was removed. Several Board members indicated that the stump has already been ground up.

Ms. Harbottle reported that the Design Review Committee (DRC) met on 7/12 and discussed 93 – 97 First Parish Road, 21 – 23 Ford Place and 6 Old Country Way. She said they made progress on First Parish Road and Ford Place; however they are not thrilled with the metal building proposed for the microbrewery. She said they would like them to open the windows of the old schoolhouse that is proposed to be moved to the site to be the public space for the microbrewery. Chairman Pritchard asked if they are allowable. Ms. Harbottle said they are not prohibited, but the DRC seems opposed to them. Mr. Vogel indicated he was not sold on the metal building. Ms. Harbottle said that the buildings at 50 Country Way are proposed to be modular.

The Board discussed the wayfinding branding and signage that the Economic Development Commission (EDC) has been working on. Ms. Harbottle said that she received an email from John Roman who expressed concerns with the image and that it had not been in front of the DRC. Ms. Harbottle said that the designs had been in the Planning Office for over a year. She said that design is a subjective issue and that she interpreted the DRC guidelines to relate to buildings not signs. Ms. Harbottle said that the Town Administrator feels they should have some input. She indicated that the consultant will be coming to the DRC meeting on 7/19 to discuss the image and that it has been copyrighted and trademarked. She said the font has been tweaked to address the DRC concerns. Ms. Burbine said the signs went to the Board of Selectmen and they endorsed them. She said the signs were discussed with several Boards. Chairman Pritchard said that our direction should be to not change the signs, but minor tweaking is okay. Both Mr. Vogel and Ms. Burbine agreed the issue is graphic subtleties that may not be perceptible. Chairman Pritchard said that the DRC can provide input, but in the end it is not their decision. He said the DRC does not give the approval. Ms. Harbottle said the lighthouse design was chosen as it is the most common association for Scituate. She said the language in the zoning bylaw indicates the Planning Board should have a role so it will be on the agenda for formal action for the next meeting.

**Continued Public Hearing- Residential Compound Development Special Permit
101, 103 & 105 Hatherly Road
Assessor's Map/Block/Lot 39-6-16, 16A & 17
Applicant: Diamond Development Realty Trust
Owner: Diamond Development Realty Trust/Bertha & William Brady c/o John Y Brady**

Documents

- Memo from Kevin Cafferty dated 7/11/16 re. sewer service
- Motion regarding residential compound development dated 6/23/16

Mr. Bjorklund was present and indicated that the Board continued the meeting last time to await a second letter from Kevin Cafferty indicating that the project was eligible for sewer service. He indicated the letter was received and he has obtained the sewer permits for the proposed development. He indicated that Mr. Antonello has contacted DEP and the Board of Selectmen. Mr. Bjorklund said that he believes that if DEP really looks at the issue it will go away.

Mr. Bjorklund said he and Ms. Harbottle have gone back and forth over a few items and he has just a few minor concerns as he wants to protect the property and the residents.

Ms. Burbine moved that the Planning Board make the following Findings of Fact:

1. Diamond Development Realty Trust filed an application for a Residential Compound Development Special Permit under Scituate Zoning Bylaw Section 610 2.D on April 26, 2016. This application included plans by Ross Engineering Company, Inc. entitled Special Permit Plan A Residential Compound Development at 101, 103 and 105 Hatherly Road in Scituate MA consisting of eleven (11) sheets dated April 22, 2016 with revisions through May 19, 2016.
2. The property that is the subject of this application is a 120,088 sq. ft. parcel at 101, 103 and 105 Hatherly Road. This parcel contains an existing single family house proposed to be razed. The property is in the Residence R-3 Zoning District.
3. The wetland line shown on the plan was confirmed by the Scituate Conservation Commission in an Order of Resource Area Delineation issued on January 27, 2016. The Stormwater Pollution Prevention Plan (SWPPP) contains information on the control of erosion and sedimentation during construction and was provided to the Planning Board.
4. The Fire Chief approved the proposed 18' width of the private access drive, on the condition that a new hydrant be installed on Hatherly Rd. near the entrance to the development, and an adequate turnaround be provided. The Conservation Commission was in favor of an 18' wide private access drive over a 20' wide private access drive. The consulting engineer requested 2' shoulders. The private access drive is intended to forever remain private and never to be accepted by the Town.
- 4.5. The DPW Chief has reviewed the specific circumstances related to sewer connection, including reviewing a letter from Anthony Antonello regarding that connection, and has confirmed that the sewer connection as proposed is in conformance with the Town's connection policy and the DPW has approved the connection.
- 5.6. The Planning Board finds that the proposed development is in harmony with the general purpose and intent of this section, to provide an alternative to residential subdivision development limiting residential development within a large tract of land without requiring construction of a subdivision road so as to:
 - a. Promote large lot development;
 - b. Reduce construction costs;
 - c. Reduce impacts of new development on abutting properties;

- d. Eliminate future town maintenance, responsibility and costs for the development; and
- e. Preserve the semi-rural character of the Town.

~~6-7.~~ The application was reviewed under Scituate Zoning Bylaw Section 610 2 D.1. Residential Compound Developments. This section allows no more than five single-family dwellings to share common frontage and a private access drive. This development includes three proposed single family dwellings sharing common frontage and a private access drive.

~~7-8.~~ The application was further reviewed under Paragraph 2., Standards, as follows:

- a. Tract Frontage – 189.81 feet of shared common frontage of the single tract of land held in one ownership is provided on Hatherly Road. This meets the requirement for a minimum of one hundred feet of frontage on a public way.
- b. Minimum Tract Size – Lots 2, 3 and 4 contain 120,088 sq. ft., including 103,133 sq. ft. of upland and 16,955 sq. ft. of wetland. 120,088 is four times the gross size of 30,000 sq. ft. that is required in the district for the total of the three lots proposed. None of the land is subject to a conservation restriction.
- c. Dimensional Requirements – The plan shows building envelopes 30' from any lot line. The applicant is willing to accept a condition that no structure other than a fence can be erected outside this area.
- d. Minimum Lot Size – Each lot will contain at least 20,000 sq. ft. of upland, or two times the minimum area required in the zoning district, as required.
- e. Access – The access drive will serve the three homes in the development and a fourth new home and is proposed to be 18' in width. The Planning Board approves the reduction of the access drive from the minimum required width of 20', upon the prior approval of the Fire Chief.
- f. Open Space – All land is designated as building lots. There is no additional land which would be classified as open space according to the bylaw.

The proposal meets the requirements of Section 610.2.D Paragraph 2.

~~8-9.~~ The applicant has agreed that the tract for this special permit may not be further subdivided and a notation is provided on the plan. The proposal meets the requirements of Section 610 2 D. Paragraph 3.

~~9-10.~~ The applicant has agreed to put the statements required in Paragraph 4 into Notes to be added to the plan and to have these included as conditions of the special permit.

~~10-11.~~ The proposed stormwater management system has been reviewed by the Town's consulting engineer, Peter Palmeri of Merrill Corporation, whose comments indicate his concerns have been satisfactorily addressed.

~~11-12.~~ The review of the stormwater management system by the Planning Board's consulting engineer and their approval of this special permit eliminates the requirement for a separate stormwater permit from the Scituate Planning Board for any work that conforms to the plans.

~~12-13.~~ Correspondence received from the Fire Department indicated that an additional hydrant would be required at the parcel at the entrance and Hatherly Road. This hydrant north of the entrance was added to the special permit plan.

Based on these findings, the Planning Board finds the Residential Compound Development Special Permit meets the requirements of Scituate Zoning Bylaw, Section 610 2.D.

Mr. Limbacher seconded the motion. Motion was unanimously approved with noted change in 8.b.

Ms. Burbine moved that based on the Findings of Fact and the information obtained at public hearings on June 9, June 23 and July 14, the Planning Board approve the Residential Compound Development Special Permit for 101, 103 and 105 Hatherly Road with the following conditions:

(Change in conditions noted in **bold italics underline** based on discussion from the Planning Board meeting. .)

General Requirements

1. All construction work shall be done in accordance with the plans submitted by Ross Engineering Company, Inc. entitled Special Permit Plan A Residential Compound Development at 101, 103 and 105 Hatherly Road in Scituate MA consisting of eleven (11) plans dated April 22, 2016 with revisions through May 19, 2016 and as further revised to meet these conditions. Landscaping shall be as shown on the plans by Ross Engineering. All conditions of this approval shall be inscribed on the Residential Compound Development Special Permit plan.
2. Where this Residential Compound Development Special Permit requires approval, permitting or licensing from any local, state or federal agency, such required approval, permitting or licensing is deemed a condition of the Town of Scituate Planning Board's (the "Planning Board" or the "Board") approval of this Residential Compound Development Special Permit, including but not limited to the Board of Selectmen's approval of work in the public right-of-way of Hatherly Road. All necessary permits and approvals must be received prior to the start of construction.
3. Installation of all sewer and water mains and appurtenances shall be performed according to the specifications of the DPW Sewer and Water Divisions. Copies of required Town and State approvals for sewer connections and/or extensions (if needed) shall be furnished to the Planning Board. If desired by the Water Division, a determination of the adequacy of the existing water service for the proposed tie-in shall be provided to the DPW for their approval. Any required upgrades, modifications or connections shall be at the Owner's expense.
4. The applicant shall mean the current applicant and all its successors in interest (the "Applicant"). This special permit shall lapse within two years, which shall not include such time required to pursue or await the determination of an appeal under General Laws Chapter 40A, Section 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause.
5. The total number of residential dwelling units in the residential compound development shall not exceed three (3).

Utilities, Parking and Traffic

6. In addition to Lots 2, 3 and 4 which are part of the Residential Compound Development, Lot 1 shown on the plan (107 Hatherly Rd.) shall also use the private access drive. The owners of these four lots shall be included in a Homeowners' Association and shall be responsible for maintenance of the private access drive and stormwater management system. Until a Homeowners' Association is formed, maintenance and repair of the private access drive,

stormwater management system, snow removal and landscaping shall be the responsibility of the owner/applicant.

7. The Applicant shall trim the trees along Hatherly Rd. so that there is good visibility in the sight distance triangle shown on Sheet 11. This area shall be maintained by the applicant until the Homeowners' Association takes over maintenance of the private access drive and drainage system.
8. The standard conditions for Common Driveways approved by the Planning Board after a public hearing on December 17, 2015 shall be included as conditions of this decision, except they will refer to a private access drive instead of a Common Driveway.
9. The system for water distribution shall meet all applicable requirements of the Town of Scituate Subdivision Rules & Regulations as determined by the DPW Water Division.
10. The Applicant shall obtain the approval of the Planning Board through the Town Planner if minor changes from the plan and/or details are needed for lighting, signage or landscaping.
11. The lots shown herein shall have legally enforceable rights of access to Hatherly Road.
12. No structures shall be placed in the drainage easement other than those associated with the proposed stormwater management system.

Required Prior to Release of Special Permit to Applicant for Recording

13. A final copy of the updated plans shall be provided to the Planning Board. The following notes shall be added to the plan:
 - a. The lots shall not be further subdivided as prescribed by Section 610.2D.3. of the Town of Scituate Zoning By-Law.
 - b. No structure shall be placed or erected within 30 feet of any lot line.
 - c. The land shown hereon lies within a tract approved by the Scituate Planning Board for shared common frontage.
14. A draft Homeowners' Association Agreement shall be provided to the Planning Board. The Homeowners Association Agreement shall include:
 - a. **A statement that the Private Access Drive and stormwater management system shall be owned and maintained by the Homeowners' Association and shall not be maintained by the Town. This shall also be stated in a note on the plan.**
 - b. A requirement that maintenance of the Private Access Drive and stormwater management system shall be in accordance with the Operation and Maintenance Plan approved by the Planning Board's consulting engineer; which plan shall include a description of annual maintenance of the Private Access Drive, stormwater management system and other common amenities and shall include provisions for snow removal and maintenance of safe conditions ~~through the winter.~~ at all times.
 - c. A requirement that the Association maintain an account always containing a minimum of one year's costs for this maintenance. A contractor's estimate of this maintenance and proof of the available funds in this account shall be provided to the Planning Board with the Agreement and annually on the first of the year.

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- d. A requirement that the ~~developer~~applicant notify contractors, builders and real estate agents that membership in a Homeowners' Association is required to be disclosed to all prospective buyers. The ~~developer~~applicant shall make copies of the Homeowners Association Agreement and Covenants available to agents to provide to purchasers.
- e. A requirement that Homeowners' Association notify the Planning Board of the name, address, phone no. and e-mail of the trustees within seven days of their election, and to provide an annual report of their maintenance activities to the Planning Board by ~~January 1~~December 31 of each year.

Required Prior to Scheduling the Pre-Construction Conference

- 15. A pre-construction conference shall be held with the Applicant, their representatives, their engineer, the site contractor(s), the Town Planner, the Planning Board's consulting engineer and other representatives of the Town as the Board feels are necessary. A list of all contractor contacts, including names and telephone numbers, shall be provided to the Planning Board and the DPW. At least one telephone contact shall be available 24 hours per day in the event of an emergency.
- 16. Prior to scheduling the pre-construction conference, the Applicant shall provide to the Planning Board:
 - a. Copies of the recorded special permit and plans.
 - b. Copies of the NPDES Permit including its Stormwater Pollution Prevention Plan. Inspections and observations made according to the Stormwater Pollution Prevention Plan (SWPPP) shall be submitted to the Board within 48 hours if there are any issues identified with the inspections. ~~The Board reserves the right to require the consulting engineer to visit the site weekly during times when required construction inspections are further than one week apart.~~
 - c. **A check to cover the cost of inspections by the Town's consulting engineer. They will provide a schedule of necessary inspections to the Conservation Commission, Planning Board and ~~developer~~applicant prior to the Pre-construction Conference. The specific amount shall be provided by the Planning Dept. based on the consulting engineer's estimate.**
 - d. A construction schedule for installation of infrastructure and build-out of the development-.

Required Prior to the Start of Construction

In accordance with Section 610.2D.6. a the following mandatory conditions are imposed by the Planning Board as it relates to construction of all the infrastructure:

- ~~a.— Copies of all recorded instruments shall be filed with the Board prior to the issuance of any building permit;~~
- ~~b.—~~a. "As-built" plans shall be forwarded to the Planning Board prior to the issuance of any building permit;
- ~~c.—~~b. All site work and grading must be performed in accordance with the Special Permit as granted prior to the issuance of any building permit; and

d.c. All site work and grading must be completed, inspected by the Department of Public Works and determined by said Department to conform to the requirements of said Special Permit prior to the issuance of any building permit for any lot within the tract.

17. There shall be a minimum of 2 trees of 2 1/2" dbh planted for each dwelling proposed.

Required During Construction

18. A stabilized construction entrance as shown on the ~~Sedimentation & Erosion Control Plan~~ SWPPP must be installed prior to any earth disturbing activities on site including but not limited to clearing and grubbing. Construction access must be clearly identified on the site with signage on Hatherly Rd. approved by the Town Planner.

19. All earth moving/disturbance operations shall only occur while erosion and sedimentation control measures as shown on the ~~Sedimentation & Erosion Control Plan~~ SWPPP and approved by the Town Planner are in place. Such control measures shall remain in place until the Board's consulting engineer determines after consultation with the Town Planner, that the danger of erosion or sedimentation no longer exists.

20. No parking or unloading on Hatherly Road shall be permitted during construction.

Required Prior to Issuance of Occupancy Permits

21. Proof of recording of the Homeowners' Association Agreement at the Registry of Deeds must be provided to the Planning Board prior to the Building Department's issuance of an ~~occupancy~~ building permit.

Administration

22. All time periods referenced in this document for completion of conditions shall be tolled in case any appeals are taken.

23. This Special Permit shall be void if it is not recorded at the Registry of Deeds within 90 days of expiration of the appeal period or such extension of that time period granted by the Planning Board following approval of this Special Permit.

24. All plan sheets of the Residential Compound Development Special Permit shall be recorded at the Registry of Deeds.

The Board and Mr. Bjorklund had a major discussion on conditions 16 b and c. Mr. Bjorklund said he does not want to do all the inspections according to the subdivision regulations with the Board's engineer as it is a private access drive and he will have his own engineer out doing inspections and doesn't see the need to pay twice. The Board indicated there seems to be a question of the implementation level and a compromise will be necessary. Ms. Harbottle said that the Town needs protection as there have been many projects where basins don't drain and other problems. Mr. Bjorklund said they are not infiltrating on the site and his engineers will be certifying inverts, locations etc. He said once it is built the Town's engineer can do an inspection. He said he had no problem with the Town's engineer being at the preconstruction conference and reviewing the as-built of the drive and drainage prior to application for building permits.

Ms. Harbottle said that the subdivision regulations call for seven inspections. She said the first is clearing and grubbing which could be skipped. The second is inspecting drainage without the backfill. The third and fourth involve compaction of fill lifts and maybe on one of those could be skipped. She said then there are the binder and top coat inspections. She said that Amory Engineers

would likely charge \$2,500 to \$3,500 for the inspections. Ms. Burbine said the condition could read that the "Board reserve the right" to do the inspections. Chairman Pritchard said that he hears the message and everyone comes in saying the same thing. Ms. Harbottle said that she and Mr. Bjorklund and Merrill Engineers can work out the issue. She said it does not have to be all or nothing. Mr. Vogel agreed and said that \$3,500.00 spread over four homes is not extreme and it is not putting an undue burden on the applicant considering the real estate value. Chairman Pritchard said that Ms. Harbottle and Mr. Bjorklund can work the situation out administratively.

Mr. Limbacher moved the conditions as modified. Ms. Burbine seconded the motion. Motion was unanimously approved.

Old Business and New Business

Documents

- Email to Board dated 7/8/16 from Laura Harbottle with agenda for 7/14/16 meeting, 6/23/16 meeting minutes, information on 21- 23 Ford Place, information on The Rivershed and information on Cole Parkway Parking Plan

These items were distributed to the Board electronically.

Mr. Vogel moved to adjourn the meeting at 10:13 p.m. Mr. Limbacher seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph
Planning Board Secretary

Ann Burbine, Clerk
7-28-2016
Date Approved