

TOWN OF SCITUATE



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*Planning Board*

May 13, 2014

Ms. Kathleen Curran  
Town Clerk  
Town of Scituate

**Certificate of Action**

**RE: Approval of Definitive Subdivision Plan "White Ash Farm Lane" at 305 Country Way  
for Douglas E. Sheerin**

Dear Ms. Curran,

This is to certify that pursuant to MGL Ch. 41 S 81-U the Planning Board, at its meeting of April 29, 2014, upon a motion duly made and seconded, voted (4-0) with members Limbacher, Pritchard, Taylor and Vogel voting as they were present at all public hearing sessions or filed a Mullin Rule Certification with the Town Clerk for only one session missed, to APPROVE WITH CONDITIONS the plan titled White Ash Farm Lane Definitive Flexible Open Space Development Plan at 305 Country Way in Scituate, Massachusetts by Morse Engineering Co., Inc., dated February 19, 2013, with revisions through December 4, 2013, stamped by William McGovern PLS on December 23, 2013, based on the following criteria:

1. Completeness and technical adequacy of all submissions;
2. Determination that development at this location does not entail unwarranted hazard to safety, health and convenience of future residents of the development or of others;
3. Conformity with the requirements of Section 6.0 and 7.0 of the Town of Scituate Subdivision Rules and Regulations, except as specifically waived by the Planning Board and the Zoning Bylaw;
4. Determination that the subdivision as designed will not cause substantial and irreversible damage to the environment, which damage could be avoided or ameliorated through an

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alternative development plan.

And subject to the following conditions as discussed at the 4/24/14 public meeting (wherever a condition refers to “the applicant” this shall include his successors or assigns as applicable):

## GENERAL

1. All construction shall be according to a plan titled White Ash Farm, A Definitive Flexible Open Space Development Plan, dated February 19, 2013, revised through December 4, 2013, stamped by William McGovern PLS on December 23, 2013, and as further revised to include conditions of the Flexible Open Space Development Special Permit approved by the Planning Board.
2. Where a Definitive Plan requires approval, permitting or licensing from any local, state or federal agency, this approval, permitting or licensing will be deemed a condition of the Planning Board’s approval, including the Planning Board’s approval of work in the layout of Country Way, a Scenic Road.
3. The total number of residential dwelling units on the site shall not exceed three (3). No lot in the Flexible Open Space Definitive Subdivision may be further divided or subdivided into additional building lots.
4. Construction shall meet all requirements of the Scituate Subdivision Rules and Regulations dated August 13, 2010 except as specifically waived by the Planning Board or otherwise conditioned in the Special Permit for the Flexible Open Space Development, and shall comply in all respects with the Scituate Zoning Bylaw. All conditions of approval and waivers granted shall be inscribed on the plan prior to endorsement.
5. The applicant shall complete the construction of all ways, the stormwater management system, municipal services and requirements of this decision and the related Flexible Open Space Development Special Permit within three years of the date of endorsement of the Definitive Plan. This shall include installation of all required utilities in such subdivision, and all work incidental thereto, such as construction of the infiltration basin, grading of lots to provide drainage, construction of swales, landscaping and other details. Failure to so complete shall result in the automatic rescission of the approval of such plan, unless the Board extends said period, for good cause shown, after the written request of the applicant prior to the expiration of said period.
6. The applicant shall maintain all streets and utilities within the subdivision, with the exception of water service until such time as maintenance is performed by the Homeowner’s Association. All streets, those portions of drainage systems within the street layout, and other improvements within the street layout and agreed to by the applicant, such as signage, fencing, landscaping and a sight distance easement, shall be operated and maintained by the developer or a Homeowner’s Association made up of the residents of the subdivision or their representatives.
7. The stormwater management system be maintained according to the Long Term Operation & Maintenance Plan, Best Management Practices by Morse Engineering Co., Inc. dated February 19, 2013 with revisions through July 11, 2013 and as revised to incorporate comments by the Town’s consulting engineer John Chessia, PE of Chessia Consulting Services LLC, which shall be included among the homeowners’ responsibilities in the Homeowners’ Association Agreement.
8. The applicant shall grant to the Town of Scituate, a right and easement to construct, repair, replace, extend, operate, use and forever maintain all streets, water mains and the stormwater

management system including all surface and subsurface stormwater drains in, through or under the streets and easements as indicated on the Definitive Plan. The above shall not be construed to relieve the applicant, and his successors in title, to the ownership of a portion of the land or any street within the subdivision or the stormwater management system which is generally not accepted by the Town, nor diminish in any way, its responsibility to complete all construction as required by the applicant's agreements with the Town and to thereafter maintain all streets and utilities in satisfactory condition until they are accepted by the Town.

9. The applicant shall consent to allow members and employees of the Planning Board and other persons acting under the authority of the Planning Board as its agents, to enter upon any lands and carry out such surveys and inspections as may be deemed necessary, and place and maintain monuments and marks. As a condition of subdivision approval by the Planning Board, the applicant shall cooperate with the Planning Board and Town officials and assist them in their efforts to verify that the layout, design and construction work in his subdivision are satisfactory and conform to the Town specifications and the requirements of the Planning Board.
10. Any modification of this Definitive Plan, other than as authorized by G.L. c. 41, s. 81O, shall require modification by the Planning Board in accordance with G.L. c. 41, s. 81W. Failure to comply with this requirement shall result in rescission of the Planning Board's approval.

#### **REQUIRED PRIOR TO ENDORSEMENT OR RECORDING OF PLANS**

11. All remaining comments by the consulting engineer shall be addressed prior to endorsement of the Definitive Plan, including revisions to the Long Term Operation & Maintenance Plan, Best Management Practices by Morse Engineering Co., Inc. dated February 19, 2013 with revisions through July 11, 2013.
12. The following requirements of Section 6.3.4 of the Subdivision Rules and Regulations shall be added to the Homeowner's Association Declaration of Trust:
  - e. A requirement that the Homeowner's Association report the results of inspections no less frequently than once per year, and provide a description of maintenance to the Board and Department of Public Works within thirty (30) days after any maintenance has been performed. The Board may require that inspections or maintenance be performed at specific times of the year when they are expected to be most effective.
  - i. That the contract for maintenance be provided to the Planning Board within one month of formation of the Homeowners' Association, and that evidence that an amount equal to one year's maintenance costs is maintained in an account, be provided to the Planning Board by January 1 of each year, to ensure the continued operation and maintenance of drainage and other common facilities.
13. To reflect the waiver granted by the Planning Board, prior to endorsement of the Definitive Plan, curbing details shall be modified to show bituminous berm and detail for granite where it is still required. Bituminous concrete berm must reflect loam and seed to the top of the back of the berm. Vertical granite curb detail must be added to plans. 4' transition curb adjacent to the curb inlet must be labelled as granite. Vertical granite curb shall be set and held in place with a 6" depth lift of 4000 PSI concrete with 3/4" aggregate on both sides and the bottom of the curb. Limits of vertical granite curb shall be shown on the plans.

14. To reflect the road width and other items which do not meet the standard of the Subdivision Rules and Regulations, a note shall be added to the Lot Layout Plan stating "The subdivision road does not meet the standards of the Subdivision Rules and Regulations and shall remain private in perpetuity."
15. As required by the Subdivision Rules and Regulations Section 6.3.3. 8., the applicant shall provide the Planning Board a separate Easement Plan as an additional plan sheet, which shall meet the requirements of this Section and include the easements required by the Flexible Open Space Development Special Permit Condition.
16. The applicant shall obtain the endorsement of the Planning Board upon the Definitive Plan within 180 days of the date of approval or termination of the appeal period of the Special Permit. Failure to obtain such endorsement shall result in the automatic rescission of the approval of such plan.
17. A Covenant or other form of surety as provided in M.G.L. c. 41, s. 81U to guarantee construction of the road, drainage improvements and any additional on or off site improvements agreed to by the applicant, shall be provided to the Planning Board prior to endorsement of the Definitive Plan by the owners of record of the land in the subdivision. This Covenant shall run with the land and be binding upon the owner(s) and their successors in interest. Upon approval of the covenant by the Planning Board, reference thereto shall be inscribed upon the plan and it shall be recorded with the covenant at the expense of the applicant.
18. In addition to the Covenant normally required to secure the construction of ways and installation of municipal services, the Planning Board shall require, prior to the endorsement of the Definitive Plan, a supplemental covenant containing those conditions of approval that are intended to survive the release of the Statutory Covenant, including conditions of the Flexible Open Space Development special permit. Such covenant shall be approved as to form by the Planning Board Legal Counsel. Such covenant shall be executed and duly recorded by the owner(s) of record, and shall run with the land. The covenant shall be referenced on the Definitive Plan prior to recordation in the Registry of Deeds.

#### **PRIOR TO PRE-CONSTRUCTION CONFERENCE**

19. Following endorsement, the applicant shall, within six (6) months of approval, file the Definitive Plan with the Plymouth County Registry of Deeds, and shall transmit two (2) mylar reproducibles of the recorded plan for the Planning Board and DPW and four paper copies of the recorded plan to the Planning Board for the DPW Engineering Division, DPW Water Division, Building Department and Planning Board files. The Covenant, Supplemental Covenant and Sight Distance Restriction shall be recorded at the same time. The Town Planner or her designee shall assist the applicant to the registry of deeds to ensure documents are recorded and the town is provided recorded copies of decisions, drawings and covenants.

#### **DURING CONSTRUCTION**

20. All earth operations shall only occur while erosion and sedimentation control measures 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.
21. Except for clearing, grubbing, road construction and paving, the subdivision road shall be kept clear and passable at all times. No equipment shall be parked or stored so as to render the street

impassable. No portion of the subdivision road or turnaround shall be used as a staging area. No parking or unloading on Country Way shall be permitted during construction.

22. Construction of the proposed subdivision road and proposed drainage system shall be supervised by a registered professional engineer who shall certify in writing to the Planning Board and DPW at completion that the proposed subdivision roads and drainage system were constructed in accordance with the approved plans.

This certification shall be accompanied by as-built plans, signed and stamped by a professional land surveyor and the supervising professional engineer. Prior to issuance of an occupancy permit, a registered professional engineer shall inspect the lot and certify with his signature and stamp to the Planning Board and Building Commissioner that any variation in grade from the original plan is insignificant and does not in any way alter the drainage calculations, the function of the stormwater management system or rate or volume of stormwater flow onto abutting properties.

### ACCEPTANCE OF STREET AS A TOWN WAY

23. Approval of the Definitive Plan does not constitute the laying out or acceptance by the Town of streets shown on the Plan.

The Board also voted to approve the following waivers from the Town of Scituate Subdivision Rules and Regulations on November 14, 2013:

1. Section 5.3.2.11 Requirement: Existing and proposed topography shown on the Conventional Density Plan. Waiver: Waive requirement for proposed topography as plan is not proposed for construction.
2. Section 5.3.2.15 Requirement: Existing and Proposed Profiles on the Conventional Density Plan. Waiver: Waive requirement for proposed profiles as plan is not proposed for construction.
3. The Planning Board did not vote on waiver 3. Section 6.3.4.2a Requirement: Soil evaluation in the area of the infiltration basin evaluated by a qualified soil scientist or Registered Professional Engineer and witnessed by the town's agent. Waiver: Waiver the requirement for soil evaluation in the infiltration basin be witnessed by the town's agent as testing was done by a DEP Soil Evaluator and Registered Professional Engineer.
4. Section 7.2.1.5 Requirement: Minimum vertical curve length of 100 feet. Waiver: Waive to allow a vertical curve of 40 feet in length as it provides adequate vehicular sight distance and provides a transition between -2% and -4.8% slopes and eliminates excess fill.
5. Section 7.2.1.6 Requirement: Dead end streets shall provide at the closed end a cul-de-sac turnaround. Waiver: A hammerhead style turnaround is proposed instead of a cul-de-sac.
6. Section 7.2.8 Requirement: Vertical granite curbing shall be installed along the edge of the roadway. Waiver: To allow construction of the roadway utilizing 12" bituminous concrete berm along each edge of the road.
7. Section 7.2.9 Requirement: Sidewalks on both sides of the road. Waiver: To provide a sidewalk on one side of the road for a Type III subdivision.

8. Section 6.3.3.9 and 8.3.1 and Appendix B Requirement: Street table and typical roadway cross section. Waiver: To allow the typical roadway cross section to be altered to be a 16 foot wide road with one sidewalk and 12" bituminous berms.
9. Section 8.3.9 Requirement: The area outside of the travelled way shall be sloped at a rate not steeper than three vertically to one horizontally. Waiver: To allow side slopes at a rate not steeper than three horizontally to one vertically to provide a minimum 2 foot shoulder and keep grading outside the 150' tributary buffer.

The Board voted to approve the following waivers from the Town of Scituate Subdivision Rules and Regulations at the January 9, 2014 meeting:

10. Section 6.3.4.2a Requirement: Soil evaluation in the area of the infiltration basin evaluated by a qualified soil scientist or Registered Professional Engineer and witnessed by the town's agent. Waiver: Waiver the requirement for soil evaluation in the infiltration basin be witnessed by the town's agent as testing was done by a DEP Soil Evaluator and Registered Professional Engineer.
11. Section 8.3.10 Requirement: Street trees shall be provided on each side of the street. Waiver: To allow street trees on one side of the road only as it is not feasible to plant trees on the westerly side of the road due to the slope and the 150' tributary buffer. The westerly side of the road is proposed to be restored as natural vegetation.

Sincerely,



William Limbacher  
Chairman, Planning Board

cc: Douglas E. Sheerin  
Morse Engineering Co., Inc.  
Michael Hayes  
Director, Department of Public Works  
Building Commissioner  
DPW  
Conservation Agent  
Director of Public Health