

TOWN OF SCITUATE



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Planning Board

**Special Permit – Residential Compound Development
101, 103 & 105 Hatherly Road**

Decision: APPROVED with Conditions

Applicant: Diamond Development Realty Trust
Address: PO Box 1480, Duxbury, MA 02331
Owner: Diamond Development Realty Trust/Bertha & William Brady c/o John Brady
Address: 101, 103 & 105 Hatherly Road, Scituate, MA 02066
Request: Approval of special permit for a Residential Compound Development
Under Scituate Zoning Bylaw Section 610 2.D

Date: July 25, 2016

Location: 101, 103 & 105 Hatherly Road, Scituate, MA 02066

Assessor's Map: 39-6-16, 39-6-16-A and 39-6-17

Zoning District: Residence R-3

Hearing Dates: May 26, 2016, June 9, 2016, June 23, 2016, July 14, 2016

Members Hearing Special Permit Application: Stephen Pritchard, William Limbacher,
Robert Vogel, Ann Burbine and Gerard Wynne

Decision: Approved with conditions

Background:

The property is a 120,089 sq. ft. or 2.76 acre parcel with 103,133 sq. ft. or 2.37 acres of upland. An existing house, to be razed, occupies the property. The property is shown on Assessor's Maps as parcels 39-6-16, 16A and 17. Access is from Hatherly Road. Lot 1 has received a 50 foot frontage special permit from the Zoning Board of Appeals and is shown on an Approval Not Required Plan endorsed by the Planning Board. Wetlands are found along much of the site frontage. Three new

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homes are proposed under a Residential Compound Development Special Permit. The rate, volume and peak surface elevations of runoff do not exceed pre-development conditions for the 2, 10 and 100 year storms.

The applicant submitted a Stormwater Report by Ross Engineering Co., Inc. stamped by Gregory J. Tansey, P.E. This report and the accompanying residential compound development special permit plans was reviewed by the Town's consulting engineer, Peter Palmieri of Merrill Corporation, who submitted detailed comments to the Planning Board. In response to these comments, the applicant provided an Amended Stormwater Report and plans which, after further review by the consulting engineer, were found to address his recommendations.

Procedural Summary:

An application for a Residential Compound Development Special Permit was filed with the Town Clerk and Planning Office on April 26, 2016. A Public Hearing on the Special Permit was duly advertised and notices sent to all abutters in accordance with MGL Chapter 40A. The Public Hearing was opened on May 26, 2016 and immediately continued without any testimony being taken until June 9, 2016 as a quorum to hear and vote on a special permit was not present. The hearing was further continued until June 23 and then July 14, 2016 when the hearing was closed and the Special Permit was approved with conditions. All members were at all sessions where testimony and evidence was presented.

Hearing Summary:

When the public hearing was opened on June 9, 2016, Planning Board Chairman Mr. Stephen Pritchard explained the process for the hearing. Stephen Bjorklund as trustee of Diamond Development Realty Trust was present for the applicant. Mr. Peter Palmieri of Merrill Corporation, consulting engineer for the Town and Laura Harbottle, Town Planner were also present. Mr. Bjorklund indicated the proposal was a unique way to develop the property with relatively low impact to the land. He said the development is not subject to State stormwater standards; however it will meet them. He said the wetland at the front of the property takes drainage from the Marion Road side of the property flowing to the east. Mr. Bjorklund indicated there will be a Homeowner's Association to maintain the drainage and driveway and there would be a restriction to prohibit structures except for the retaining wall in the detention basin easement. He said the driveway would be built to common driveway standards. Mr. Palmieri indicated that there was no increase in post-development stormwater over pre-development and there is no impact on abutting properties from the 100 year storm. He asked for 2' shoulders on the 18' driveway to avoid the steep drop off. He also suggested that an Erosion and Sedimentation Control Plan be provided to the Planning Board prior to construction which the Board thereby requested.

Mr. Anthony Antonello of Marion Road Ext. asked for information about how the sewer connections were approved. He indicated that based on his experience, a sewer extension was needed. He said he did not believe it was possible to approve the sewer based on having 40' of frontage over upland for the whole development. Mr. Bjorklund said he had obtained the sewer permits from the DPW and Mr. Antonello would have been responsible for placing the original sewer pipe into the land in 1976. The Board requested copies of the sewer permits issued by DPW to better understand the sewer situation.

At the June 23, 2016 public hearing session, Mr. Bjorklund indicated he provided the sewer permits and EPA Stormwater Pollution Prevention Plan (SWPPP) to the Board. He said he provided Ms. Harbottle draft Homeowner's Association and Covenant documents. Ms. Harbottle indicated that the Board received a letter dated 6/21/16 from Anthony Antonello indicating that the proposed development does not comply with the Town of Scituate Sewer Connection Policy dated 2/25/2103 as the property does not abut an existing municipal sewer connection main. Ms. Harbottle said she talked with DPW Director Kevin Cafferty who indicated that a sewer stub was present since 1976 and there is no need for a sewer extension, although she does not have it in writing.

Mr. Antonello reaffirmed his belief that this is a violation of current and past sewer regulations. He asked if former DPW Director and Special Projects Manager Albert Bangert had reviewed the request. Mr. Bjorklund said he has letters from the DPW and he has spoken with Mr. Bangert who has no issues. He indicated sewer is not a Board issue. Mr. Antonello indicated he will file a legal appeal to DEP if the project was approved as it was a violation of their consent order. He said the Board should contact the Board of Selectmen (BOS) as people will follow suit using this approach for other developments and it is unfair to those who have been waiting for years to hook into sewer. Nancy Antonello asked that Mr. Bangert and the BOS weigh in on the matter. The Board requested and received a letter from DPW Director Kevin Cafferty clarifying the issue before they closed the hearing. Two abutters were concerned that the Conservation Commission had not acted. Mr. Bjorklund said his hearing was soon and he would not start construction until all permits were in hand.

At the July 14, 2016 public hearing session, a memorandum provided by Kevin Cafferty, DPW Director was discussed. Mr. Cafferty indicated the project was eligible for sewer permits. The Board reviewed the Findings of Fact and Conditions and voted to approve the project.

Public and Town Departments Input:

Sean Anderson, Superintendent of the Department of Public Works Water Division indicated by e-mail that the Water Division is requiring extension of the water main approximately 130 feet further into the development, installation of an 8" gate valve, replacement of 90 degree bends with 2 – 45 degree bends and adherence to the Subdivision Rules and Regulations. Mr. Anderson further clarified that adherence to the Subdivision Rules and Regulations with regards to water must be adhered to.

Fire Chief John Murphy indicated that he is not advocating for or against changing the width of the access road from 20' to 18'; however, he feels that 18' of width is satisfactory for fire access and egress for the project with the ample turnaround and the additional fire hydrant that he requested at the corner of Hatherly Road and the access way as it will provide better fire protection for the new development. Deputy Chief Alfred Elliott indicated he agreed with the Fire Chief's comments; however, he would not like this to set precedent as the fire code requires a 20' wide minimum access road.

The Board of Health had no comments as the site will be on sewer.

The Conservation Commission requested that the Planning Board accept the reduction in width from 20' to 18' for the driveway access to lessen wetlands impacts.

A letter dated 7/ 11/16 from DPW Director Kevin Cafferty indicated the project is eligible for sewer service.

Larry Nadeau of 35 Turner Rd. requested the developer make some accommodation for the impact of the development on his property.

Findings of Fact:

The following findings of fact based on information submitted by the applicant and the testimony given during the Public Hearing were approved on July 14, 2016:

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.
5. The DPW Director 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.
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.
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.
 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.

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

Decision:

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:

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) sheets 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 "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 determination of an appeal under General Laws Chapter 40A, Section 17, from the grant thereof, if 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 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.

- d. A requirement that the Applicant notify contractors, builders and real estate agents that membership in a Homeowners' Association is required to be disclosed to all prospective buyers. The 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 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(SWPPP). Inspections and observations made according to the SWPPP shall be submitted to the Board within 48 hours if there are any issues identified with the inspections.
 - c. A check to cover the cost of inspections by the Town's consulting engineer. They shall provide a schedule of necessary inspections to the Conservation Commission, Planning Board and 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

- 17. In accordance with Section 610.2 D. 6. A, the following mandatory conditions are imposed by the Planning Board as they relate to construction of all the infrastructure:
 - a. "As-built" plans shall be forwarded to the Planning Board prior to the issuance of any building permit;
 - 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
 - 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.

18. There shall be a minimum of 2 trees planted for each dwelling proposed. These shall be a minimum of 10' tall and 2 ½" dbh. The Planning Board shall be notified so staff may inspect prior to planting the trees.

Required During Construction

19. A stabilized construction entrance as shown on the 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.
20. All earth moving/disturbance operations shall only occur while erosion and sedimentation control measures as shown on the 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.
21. No parking or unloading on Hatherly Road shall be permitted during construction.

Required Prior to Issuance of Occupancy Permits

22. Proof of recording of the Homeowners' Association Agreement at the Registry of Deeds or the Land Court must be provided to the Planning Board prior to the Building Department's issuance of a building permit.

Administration

23. All time periods referenced in this document for completion of conditions shall be tolled in case any appeals are taken.
24. This Special Permit shall be void if 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.
25. All plan sheets of the Residential Compound Development Special Permit shall be recorded at the Registry of Deeds.

Additional conditions from incorporation of Common Driveway Standard Conditions voted 12/17/2015

26. The lots shown on the plan shall be accessed over a single private access driveway. No further extensions or attachments of any other roadways or private access driveways, or other access to any other lots besides those shown by the plan shall be permitted.
27. Prior to obtaining building permits, the applicant must obtain all necessary approvals from the Board of Health, Conservation Commission, Fire Department, Building Department and Department of Public Works, and these shall be deemed conditions of the Planning Board's approval.
28. All utilities shall be placed underground.
29. No new underground irrigation systems shall be allowed to connect to the Town's water distribution system or in any manner use municipal water. In accordance with this policy, all irrigation systems installed in Scituate must be supplied by on-site sources at the expense of the property owner.

30. The private access driveway and drainage system shall be owned by the homeowners, and always shall remain private and shall not be maintained by the Town. This condition shall be stated in a note on the plan.
31. The plans for the private access driveway shall be submitted to the Planning Board for their signature after the expiration of the twenty day appeal period of this special permit. The plans and special permit shall be recorded together at the Plymouth County Registry of Deeds.

Private Access Driveway Agreement

32. A Private Access Driveway Agreement shall assign the responsibilities and costs of maintenance and repair of the private access driveway and emergency turnaround, as well as the stormwater management system serving the private access driveway, to the owners of the lots shown on the plan.

A description of other typical maintenance such as snow-plowing, pavement repair or repair, landscaping and protection from erosion shall be included in the Private Access Driveway Agreement. The homeowners' responsibilities shall include all requirements of the approved Operation & Maintenance Plan for the stormwater management system, which shall be attached to the Agreement.

The Agreement shall require annual certification by an engineer that the stormwater system is being properly inspected and maintained per the Operation & Maintenance Plan.

33. A standard format for the Private Access Driveway Agreement is available from the Planning office and shall be used. A final draft of the Agreement shall be provided to the Planning Board within two weeks of the approval of this special permit. The Agreement shall be recorded at the Registry of Deeds.
34. The Operation & Maintenance Plan shall also be provided to the Planning Board as a stand alone document.

Construction

35. Prior to scheduling the pre-construction conference, a schedule of construction activities shall be given to the Town Planner and the applicant shall provide funds to cover the cost of inspections and attendance at the pre-construction conference by the Town's consulting engineer.
36. A pre-construction conference will be required prior to the start of construction including the Planning Board's consulting engineer, the site contractor and the Town Planner.
37. The hours of construction shall be limited to 7 AM to 7 PM weekdays and 8AM to 7PM or sunset, whichever is earlier on Saturdays. No construction is permitted on Sundays or legal federal or state holidays.
38. There shall be no parking or idling of vehicles on the road providing access to the private access driveway during construction.
39. Noise mitigation and proper dust controls shall be used, with clean-up of all areas of the site as needed, and there shall be no truck idling on the site or adjacent street.

40. No Certificate of Occupancy shall be issued until the Planning Board and Building Commissioner are satisfied that access, construction of the private access driveway and installation of necessary utilities are in full compliance with the approved plans and the special permit.

Inspections

41. The Town Planner is to be notified when construction begins and when construction is completed. All clearing and earth moving operations shall only occur while erosion and sedimentation control measures, approved by the Town Planner and shown on the plan are in place. Such control measures shall remain in place until the Town Planner determines that the danger of erosion or sedimentation no longer exists.
42. Construction of the private access driveway shall be supervised by a registered professional engineer who shall certify in writing to the Planning Board at completion that the driveway, grading and drainage structures were constructed in accordance with the approved plans. This certification shall be accompanied by as-built plans, signed and stamped by a registered professional land surveyor and the supervising engineer. The costs of this supervision and certification shall be born by the applicant.
43. Inspections will be required for staking of limits of drainage basins and private access driveway limits prior to clearing and grubbing; grading of drainage basins; placement and compaction of gravel subbase; placement of base/binder; and placement of the top course of the private access driveway.

Administration

44. This special permit shall be void if it is not recorded at the Registry of Deeds within 90 days of the date of filing with the Town Clerk or following the resolution of any appeals. The owner shall provide proof of this recording to the Planning Board.
45. This special permit shall lapse within two years from the date of its issuance unless substantial use or construction has commenced prior to that time in accordance with MGL Chapter 40A, Section 9.
46. Failure to comply with any condition of this special permit shall cause it to be deemed invalid.

Vote:

Based on the Findings of Fact and the evidence and information provided by the applicant and obtained through the public hearings, the members of the Planning Board hearing this application voted unanimously to approve the Residential Compound Development Special Permit at 101, 103 and 105 Hatherly Road with the conditions noted above.

July 14, 2016

Date

SCITUATE PLANNING BOARD

Robert Vogel

William Lumbach

Stephan P. Pritchard

Gene Burbine

This decision was filed with the Town Clerk on July 25, 2016.
date

Appeal of this special permit may be made pursuant to M.G.L. Chapter 40A, Section 17, and shall be filed in a court of competent jurisdiction. Proof of that filing shall be provided to the Town Clerk within twenty (20) days of the date of the filing of the decision with the Town Clerk.

This special permit will not become effective until such time as an attested copy of this decision has been filed with the Plymouth County Registry of Deeds, after the expiration of the appeal period of twenty (20) days.

The Planning Board certifies that it has complied with all statutory requirements of MGL Chapter 40A, Sections 9 and 11, and will file copies of this decision with the Town Clerk. The Planning Board further certifies that it has taken into consideration all testimony rendered at the Public Hearing, the comments and suggestions of other boards which have reviewed and made comments on the plans