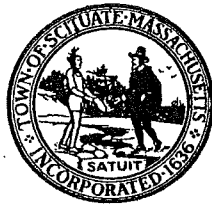


TOWN OF SCITUATE

Planning Board



600 Chief Justice Cushing Hwy
Scituate, Massachusetts 02066
Phone: 781-545-8730
FAX: 781-545-8704

**Flexible Open Space Development Special Permit – 90 Ann Vinal Road
Curtis Estates
Decision: APPROVED with Conditions**

Applicant: Welby Builders, LLC
Address: PO Box 160, Cohasset, MA 02025
Owner: Steven D. & William G. Curtis, TRS, Curtis Realty Trust
Address: 90 Ann Vinal, Scituate, MA 02066
Request: Approval of special permit for Flexible Open Space Development under Scituate Zoning Bylaw Section 550
Date: February 20, 2018
Location: 90 Ann Vinal Road
Assessor's Map: 27/6/1
Zoning District: R-2
Hearing Dates: August 10, 2017, September 21, 2017, October 26, 2017, December 14, 2017
January 11, 2018, February 8, 2018
Members Hearing Special Permit Application: Stephen Pritchard, Ann Burbine, Benjamin Bornstein, William Limbacher and Richard Taylor
Decision: Approved with conditions by a unanimous vote

Background:

The property is a 676,068 sq. ft. (15.52 acre) wooded and grass parcel improved with a historic single family home and accessory uses. It is a portion of land shown on Assessor's Maps as parcel 27-6-1. It contains 14.28 acres of upland and is located in a neighborhood of single family homes on lots generally ranging from .5 to 1.5 acres, with some larger properties and is adjacent to the

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Hatherly School. Access is from Ann Vinal Road, a road of approximately twenty two feet in width with a sidewalk bordering the site.

In the Flexible Open Space Development (FOSD) proposal for 15.52 acres that is the subject of this application, 5.02 acres at the perimeter of the property would be preserved as open space, with 16 lots for single family homes created on the remaining land. The proposed road would be 723 feet in length with pavement of 24' wide. Stormwater is piped to four stormwater basins. The rate and volume do not exceed pre-development conditions for the 2, 10 and 100 year storms.

The applicant submitted a Stormwater Report by Gregory J. Tansey, P.E. and a list of waivers from Section 6.3 and 7 of the Subdivision Rules and Regulations with the application. This report was reviewed by the Town's consulting engineer, Merrill Corporation, who submitted detailed comments to the Planning Board. In response to these comments, the applicant provided Amended Stormwater Reports which, after further review by the consulting engineer, was found to address his recommendations.

The Planning Board reviewed the Intersection Sight Distance Plan as submitted by Ross Engineering Company, Inc. which was stamped by Gregory J. Tansey, P.E. The plan concluded that the minimum intersection sight distance for the sight is over 300 feet and meets the requirement and is supported by the plan. Vanasse & Associates, Inc. also submitted traffic generation data showing minimal traffic impacts from the development.

The R-2 zoning district where the property is partially located requires 20,000 sq. ft. of upland lot area for each dwelling unit. Section 550 of the Zoning Bylaw, Flexible Open Space Development, allows the Planning Board to issue a special permit to approve lots which do not meet some dimensional requirements of the underlying zoning when they find the development to be superior to a conventional subdivision, based on the design standards of Section 550.5. The development must also conform to Section 550.6, Minimum Requirements. The maximum number of lots is established by the Planning Board's approval of a Conventional Density Sketch Plan which complies with the Town of Scituate Zoning Bylaw and Subdivision Rules and Regulations.

Procedural Summary:

An application for a Flexible Open Space Development Special Permit was filed with the Town Clerk on June 20, 2017. 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 August 10, 2017 and continued to September 21, 2017, October 26, 2017, December 14, 2017, January 11, 2018 and February 8, 2018 when the hearing was closed and the Special Permit was approved with conditions.

Hearing Summary:

When the public hearing was opened on August 10, 2017, Planning Board Chairman Mr. Stephen Pritchard explained the process for the hearing. William H. Ohrenberger III, attorney for the applicant and Mr. Paul Mirabito, PLS and Gregory Tansey, PE of Ross Engineering Company, Inc., design engineer, were present with the applicants, Donald Gillespie and Paul Sheerin of Welby Builders. Mr. Jeffrey DeLisi of Ohrenberger, DeLisi & Harris LLP was also present. Mr. Peter Palmieri of Merrill Corporation, consulting engineer for the Town, and Ms. Laura Harbottle, Acting Town Planner was present on August 10, 2017. Ms. Karen Joseph, current Town Planner, was present at all the hearing sessions.

On August 10, 2017, the Applicant indicated they had previously presented the sixteen lot conventional plan informally to the Board. They indicated the Board of Health found that sixteen lots would be acceptable and they have decided after meeting with the Historical Commission that the existing house will be retained and moved to a proposed lot in the subdivision. The Applicants showed a sixteen lot conventional plan with four fifty foot frontage lots and an opinion from the Acting Building Commissioner that the fifty foot frontage lots could be approved. The Board opined that showing the fifty foot frontage lots was not acceptable as it was not by right and indicated they did not like houses behind houses. The Board asked that the conventional plan show generally how stormwater could be handled. The Board asked if the Applicant would consider reducing the number of lots and was told the economics dictated sixteen lots. The Applicant indicated that the FOSD plan saves open space and the Board needed to determine the number of lots in a conventional plan prior to looking at the FOSD. The Board indicated the FOSD needs to be superior to a conventional plan.

On September 21, 2017, the Board received a new conventional density plan eliminating fifty foot frontage lots as Town Counsel had determined that they would need a special permit and were not approvable by right. The Applicant indicated that stormwater on the conventional plan could work and the preservation of open space, trees and the common leaching field in the FOSD is why it is superior to a conventional plan. After discussion, the Board approved the Conventional Density Sketch Plan showing sixteen lots.

At the October 26, 2017 public hearing session, The Applicant presented a reconfigured lotting plan with no houses in front of houses which the Board liked better. The Board's consulting engineer indicated that the plan complies with storm water management standards and he asked for a level spreader at the basin outlet and for the basements to be taken out of the groundwater resulting in more fill for the project. The Board noted that all of the garages were front loaded from the street and they were concerned about lawn creep into the 100 foot wetland buffer zone and open space demarcation. They Board noted there is the minimum open space and the perceived open space is taken up with the drainage basins and soil absorption system. The Board expressed concern of only thirty feet of open space in the rear separating the proposed subdivision from the adjacent homes. The Applicant said there would be no open space if it was a conventional subdivision. The Applicant noted they would like the way to potentially be accepted as a public way and there is no increase in rate or volume of stormwater. The Applicant indicated they may be willing to rebuild the walk along the frontage at Ann Vinal Road.

On December 14, 2017, The Board discussed traffic generation and sight lines, the Applicant replacing the curb and installing a new sidewalk along Ann Vinal Road for the frontage of the property, pedestrian safety, haul routes and drainage toward Townsend Road. The Board voted most of the waivers from the subdivision regulations.

At the January 11, 2018 public hearing, the Board approved the road length waiver and maintenance guarantee waiver. The Board discussed a number of issues including ownership of the open space, drainage connection to Ann Vinal Road, Town Counsel to review the Homeowner's Association Trust, grass mixtures for the project, the landscape buffer, use of on-site stones and sediment control during construction.

At the February 8, 2018 public hearing, the Board reviewed draft Findings of Fact and special permit Conditions. The public hearings on the Flexible Open Space Development Special Permit and Definitive Plan were closed. The Planning Board voted to make the Findings of Fact and Conditions as discussed and to approve the Flexible Open Space Special Permit for Curtis Estates and the Definitive Subdivision Plan subject to waivers of the Subdivision Rules and Regulations as requested by the applicant and previously voted upon.

Public Input:

On August 10, 2017, Steve Comerford, Megan Mulcahy, Philip Cahalin and Raimund Wasner of Townsend Road all expressed concerns regarding stormwater and groundwater as the residents there already have wet basements and don't want to see the existing stormwater issues exacerbated.

On September 21, 2017, Mike Bonomi expressed concern over the size of the development, wildlife habitat displacement, drainage and surface water, the septic system, and traffic. He was concerned that a traffic study had not been done as Ann Vinal Road is narrow with an inadequate sidewalk to protect children safely as they walk to the adjacent Hatherly School. A resident from 101 Ann Vinal Road was also concerned that there are too many homes proposed, for the safety of children walking to school, and drainage as there are already water problems in the area. Ms. Konecko of 110 Ann Vinal Road was concerned with pedestrian safety as the sidewalk is so narrow so she does not allow her kids to walk to school. A resident of Townsend Road had concerns about drainage and the proximity of the houses at the back of the lots to Townsend Road. She said she preferred the FOSD as it allowed more space between the developments. Raimund Wasner of 54 Townsend Road said the water problems in the area are significant and he has seen water coming out of the ground as either groundwater or a spring.

At the October 26, 2017 hearing session, Mike Bonomi of 31 Longmeadow Road suggested fewer homes be proposed for the site. He said he does not want to see any more water going to his property. He said he would like to see a traffic study as he is concerned about the existing traffic on the narrow Ann Vinal Road and lack of pedestrian safety with the adjacent Hatherly School.

There was no public comment at the December 14, 2017, January 11, 2018 and February 8, 2018 public hearing sessions.

Findings of Fact:

The following findings of fact based on information submitted by Welby Builders, LLC, (hereinafter, together with successors and assigns, the "Applicant") and the testimony given during the Public Hearing was approved:

1. The Applicant filed an application for a Special Permit for a Flexible Open Space Development under Scituate Zoning Bylaw Section 550 on June 20, 2017.
2. The property that is the subject of this application is a 15.52 acre parcel at 90 Ann Vinal Road which contains a historic single family home shed and garage. The property is in the Residential R-2 Zoning District.

3. The Applicant submitted a Sight Distance Plan stamped by Gregory J. Tansey, P.E. indicating sight distance requirements of 300 feet were met. The Applicant provided a plan showing removal of trees and vegetation at the east side of the entrance to improve sight distance. A trip-generation memorandum was submitted by Jeffrey S. Dirk, PE of Vanasse & Associates, Inc. The Board determined that the trip generation memorandum is acceptable and did not warrant a full traffic study.
4. The proposed stormwater management system has been reviewed by the Town's consulting engineer, Peter Palmieri, PE of Merrill Corporation whose comments indicate his concerns have been satisfactorily addressed. The rate and volume of stormwater runoff in the post development condition is less than or equal to the pre-development condition.
5. As required by Scituate Zoning Bylaw Section 550.4 D, Special Permit Approval, the Planning Board finds based on evidence and information provided by the Applicant and reviewed by the board that the Flexible Open Space Development (FOSD) is superior to a conventional subdivision, with the following specific benefits provided to the town consistent with those in the Purpose section:
 - a. A Conventional Density Sketch Plan showing sixteen (16) lots was approved by the Planning Board on September 21, 2017. The Flexible Open Space Development Plan does not exceed sixteen lots as approved under the Conventional Density Sketch Plan.
 - b. The existing historic Curtis House built in approximately 1860 has historical relevance and period architecture according to the Scituate Historical Commission. The house will be moved to Lot 16 in the FOSD where it will be preserved and rehabilitated. This helps preserve the town's historic character which is a purpose of the FOSD bylaw.
 - c. Open Space Parcel 1 and Parcel 2 provide a buffer around the proposed development. This buffer to the development would not be there under a conventional single family home development as septic systems would be on individual lots and require considerably more grading and fill per lot. The shared soil absorption system of approximately one acre in size provides area that can be used as a field increasing the perceived open space. The open space parcels will be demarcated with signs and boulders/rocks to discourage any access.
 - d. The Applicant has agreed to reconstruct a four foot bituminous concrete sidewalk along the perimeter of the property abutting Ann Vinal Road for the length of the property. The existing precast concrete curb will be replaced with vertical granite curb (VA-4) with 6" between the top of the curb and the pavement with a saw cut into the existing pavement to construct the curbing. This will benefit the Town by providing a safer means of pedestrian access to the adjacent Hatherly Elementary School.
6. Scituate Zoning Bylaw Section 550.5, Design Standards, Paragraph A, requires protection of important natural and historic features of the land and minimization of the size of developed areas. The property contains a historic home built in approximately 1850, which is to be preserved.

The proposed development will allow creation of Open Space Parcel 1 and 2 which contains 224,499 SF or 5.15 AC. This will minimize the size of the developed area.

This paragraph requires protection of a minimum of 30% of the parcel, or 202,820.4 SF, as open space. 244,499 SF or 36.2% are proposed to be protected. 70% of the minimum open space area or 157,149.3 SF must be uplands. 170,521 SF or 75.96% of upland is provided. The plan thus meets the Design Standard of Scituate Zoning Bylaw Section 550.5 A.

7. Scituate Zoning Bylaw Section 550.5 Paragraph B requires that construction and laying out of developed areas respect the natural features of the parcel, applying six guidelines, as follows:
 - a. Guideline 1 encourages site disturbance beyond the paved area of the road to be minimized and open space maximized. Guideline 2 recommends that open space include buffers to wetlands. These are met by the preservation of open space as indicated in Finding #6 above and by clustering of homes to reduce land clearing.
 - b. Guideline 3 recommends preservation of adjacent trees along, or open space adjacent to, existing roads. Some trees are preserved along Ann Vinal Road by Drainage Basin Parcels 2 and 3, Open Space Parcel 2 and Open Space Parcel 1. Drainage Basin 2 will be a constructed with existing trees to remain to enhance stormwater treatment and wildlife habitat.
 - c. Guideline 4 recommends locating water and sewer utilities under road pavement. Water lines have been located in the grass strips adjacent to the roadway pavement in the roadway layout. The sanitary sewer trunk line is under the roadway pavement. All underground utilities will be used throughout.
 - d. Guideline 5 indicates use of Low Impact Development (LID) drainage techniques is encouraged. LID drainage was provided in use of water quality swales by Basin 2, preservation of the existing tree line in Basin 2 and reduced land clearing due to clustering of homes.
 - e. Guideline 6 states curb cuts should be minimized and conflicts with existing traffic should be avoided. One existing curb cut will be used for the development which is opposite the existing Pleasant Street.
8. Scituate Zoning Bylaw Section 550.5 C requires provisions satisfactory to the Planning Board for protection and maintenance of common land and common facilities. The open space in this development will be owned by the Homeowners' Association Trust. A Homeowners' Association Trust will own and maintain the stormwater areas of the site including the basin parcels one through four. A buffer along Ann Vinal Road is provided.
9. Scituate Zoning Bylaw Section 550.6, Minimum Requirements, states that the maximum number of lots in a Flexible Open Space Development special permit must not exceed the number which could be created through conventional development of the site. A Conventional Density Sketch Plan for 90 Ann Vinal Road in Scituate, MA dated December 1, 2016 with revisions through 9/18/17 showed that the parcel could be subdivided into sixteen lots in a manner which complies with the Zoning Bylaw and the standards of the Subdivision Rules and Regulations. This Conventional Density Sketch Plan was approved by the Planning Board on September 21, 2017. This number of buildable lots was shown on the Flexible Open Space Development Definitive

Plan dated June 14, 2017 with revisions through 1/3/18 submitted with the application shows sixteen lots.

10. Scituate Zoning Bylaw Sections 550.6 A., Lot Area and Width and B., Frontage requires the lot area, width and frontage for each lot to be sufficient to support the dwelling, its accessory structures, septic system and access. Based on information provided by the Applicant's engineer, each lot is of sufficient size and width to do so as there is a separate lot for the soil absorption system.
11. Scituate Zoning Bylaw Section 550.6 C. requires 15' front, side and rear setbacks in a Flexible Open Space Development, with setbacks from the perimeter of the development equal to those of the underlying zoning (30' rear setbacks required in R-2.) Building envelopes shown on Sheet 4 and 5 show setbacks for Lots 1 – 16 which meet the requirements of 550.6 C.
12. Scituate Zoning Bylaw Section 550.6 D requires no more than one single or two-family dwelling and accessory structures on each lot. Based on the information provided by the Applicant, only one single family home and accessory structures will be built on a lot which complies with the zoning bylaw.
13. Scituate Zoning Bylaw Section 550.6 E requires open space to be conveyed to the Town, a conservation trust, or protected through a deed restriction accepted by the Massachusetts Office of Energy and Environmental Affairs. One of these three methods will be utilized.
14. Scituate Zoning Bylaw Section 550.6 F requires restriction of further subdivision of the lots shown on the plan with a note so stating on the plan (Note 11 Page 1). The special permit will include a condition that prior to the start of construction, a deed restriction shall be recorded stating that no lot in the Flexible Open Space Development may be further divided or subdivided into additional building lots, and a note shall be added to the plan to reference this condition.
15. Scituate Zoning Bylaw Section 550.6 G permits the Planning Board to specify roadway, drainage and utility design requirements deemed necessary to ensure adequate access, lessen congestion, provide proper drainage, protect public safety or provide for water, sewage, utilities or other municipal services. The Planning Board has done so for this project by taking into account comments from the DPW and town's consulting engineer with the roadway cross section and the reconstruction of the sidewalk and curbing along the project frontage of Ann Vinal Road and these shall be included in conditions of approval.
16. Based on these findings, the Flexible Open Space Development is superior to a conventional subdivision, and meets the requirements for a Flexible Open Space Development, Section 550 of the Zoning Bylaw.

Decision: Based on the Findings of Fact, the Planning Board approved the Flexible Open Space Development Special Permit for Curtis Estates at 90 Ann Vinal Road with the following conditions:

GENERAL

1. All construction shall be according to a plan by Ross Engineering Company Inc. titled Curtis Estates, A Definitive Flexible Open Space Development Plan at 90 Ann Vinal Road in Scituate, Massachusetts, dated June 14, 2017, with revisions through February 9, 2018, with any additional revisions needed to conform to these conditions (hereinafter, collectively, the "Definitive Plan").
2. Construction shall meet all applicable federal, state and local laws and regulations, including, but not limited to, requirements of the DPW, Fire Department, Building Department, Board of Health, Conservation Commission, Massachusetts DEP and the State Building Code.
3. All replacement of or connection to Town drainage and installation of all water mains and appurtenances shall be performed according to the specifications of the Scituate DPW. When water and sewer is being installed on this project, a third party inspector shall be employed to review the construction activity and assure compliance with the Town's rules and regulations. The work shall be funded by the Applicant. The third party inspector shall be approved by the DPW and Town Planner. Approval to tie into Town drainage must be provided to the Town Planner **prior to endorsement**.
4. The total number of buildable lots on the site shall not exceed sixteen and each buildable lot shall not exceed one single-family dwelling and allowed accessory structures. There shall be no further division or subdivision of any lot shown on the plan for the purpose of construction of an additional dwelling. A deed restriction shall be recorded stating that no lot in the Flexible Open Space Development may be further divided or subdivided into additional building lots.
5. Access to all lots shall be over the proposed subdivision roads. There shall be no further extensions of the roads or attachments of any other roads or Common Driveways to the proposed subdivision roads.
6. The drainage system shall be maintained according to the Long Term Best Management Practices Operation & Maintenance Plan and Pollution Prevention Plan, dated February 9, 2018, which shall be included in the Homeowners' Association Agreement.
7. All electrical, telephone, cable and similar utilities shall be located underground.
8. Lighting shall be installed as shown on the plan, subject to the approval of the Board of Selectmen. Light fixtures shall not exceed 14'6" in height and the style shall be consistent with those used in Benjamin Studley Farm subdivision or approved equivalent by the Town Planner.
9. Prior to installation of an entrance sign, a sketch showing dimensions, location, materials and color shall be provided to the Town Planner for final approval.
10. Underground irrigation systems are prohibited from connecting to the town's water distribution system or in any manner using municipal water. All irrigation systems installed must be supplied by on-site sources at the expense of the property owner. Violations of this policy shall result in a fine to the property owner, with an equal fine levied on the installer of the system.

REQUIRED PRIOR TO ENDORSEMENT OF THE DEFINITIVE PLAN:

11. The detail for the bituminous concrete berm shall be revised to indicate the berm shall be monolithically laid with the top course and constructed by machine. Limits of vertical granite curb shall be shown on the plan.
12. An easement shall be granted to the Town of Scituate via the Homeowner's Association Trust allowing the right to construct, repair, replace, extend, operate, use and maintain all streets, water mains, and all surface and subsurface stormwater drains in, through or under the streets and easements, should the Town vote to accept the subdivision road as a public street. 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, nor diminish in any way, his 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.
13. A copy of the revised Definitive Flexible Open Space Development Plan shall be provided to the Planning Board a minimum of ten business days prior to expected endorsement of the Definitive Plan.
14. A final draft of the Homeowners' Association Agreement including the following items shall be provided to the Planning Board no less than ten business days prior to endorsement of the Definitive Plan.
 - a) A requirement that from the time the Developer has ceased maintenance, a Homeowner's Association shall maintain and repair all components of the stormwater management system, roadways (until such time as the road may be accepted by the Town,) landscaping in the road layout and bounds.
 - b) A requirement that the Homeowner's Association permanently maintain the signage and boulders/rocks to demarcate the open space and signs.
 - c) The Homeowner's Association shall establish an area for snow storage, which shall not impact the stormwater management system, septic system and components, open space parcels or interfere with sightlines for vehicles exiting driveways or the subdivision. The locations shall be approved by the Town Planner and DPW. The Homeowner's Association from putting materials, such as grass clippings and yard waste, on open space land except that this condition shall not be construed to prevent the Homeowner's Association from removing dead or diseased trees or limbs in the open space.
 - d) A requirement that the Association maintain an account always containing a minimum of one year's costs for 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.
 - e) 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, and shall make copies of the Homeowner's Association Agreement available to be provided to all prospective purchasers of lots in the development. A statement shall be provided to the Planning Board from the Applicant indicating each purchaser has been notified of the Homeowners' Association Agreement. This is required prior to the issuance of an occupancy permit for each dwelling.
 - f) A requirement that the Homeowner's 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 of each year.

15. Signs, landscaping, and other features located within sight triangle areas shall be designed, installed and maintained so not to exceed 2.5 feet in height. Snow windrows located within sight triangle areas that exceed 3.5 feet in height or that would otherwise inhibit sight lines shall be promptly removed. Sight lines as shown on the Definitive Plan shall be maintained in perpetuity by the Homeowner's Association.
16. A marked crosswalk with American with Disabilities Act (ADA) compliant wheelchair ramps shall be provided for the roadways that will serve the development along with stop signs and stop line details.
17. Prior to the first building permit for a newly constructed dwelling, open space to be permanently demarcated by signage and boulders/rocks as shown on the plans to discourage access to permanently protected open space. The signs shall be white with dark green lettering, constructed of durable weatherproof material, a minimum of 1 sq. ft. in area and 4' in height, or as otherwise approved by the Town Planner. The signs shall state Open Space/No Disturb Zone and shall be spaced as shown on the plan.
18. Housing depictions shown on the plans are representative but are intended to show the general orientation and grading of the house and lot in order to conform to the stormwater system design and minimize impacts to the neighboring houses. Any material deviations from the plans shall require notification of the Town Planner and shall be addressed prior to the issuance of any building permit.
19. The Storm Water Pollution Prevention Plan (SWPPP) identifies construction sequencing activities. Phasing, if any, shall be according to the plans. Land clearing shall be consistent with construction phasing.
20. Landscaping Plan Sheet 12 of the Definitive Plan shall include seed mix specifications for the soil absorption system parcel and lawns. Additional plantings for the stormwater basin shall be reviewed and approved by the Town Planner. An additional five white pines 6 to 7 feet in height shall be added in the field in the buffer area at the direction of the Town Planner

REQUIRED PRIOR TO PRE-CONSTRUCTION CONFERENCE

21. Prior to the pre-construction conference, the following must be provided to the Planning Board:
 - a) Copies of the NPDES Permit and SWPPP;
 - b) A check to cover the cost of inspections by the Town's consulting engineer per Section 9 of the Subdivision Rules and Regulations inclusive of tree clearing in and around drainage basins 2 and 3, water and sewer utility installation and review of Interim and Final As-Built Plans.
 - c) A copy of a recorded deed restriction stating that no lot in the Flexible Open Space Development may be further divided or subdivided into additional building lots.
 - d) Construction schedule including approximate dates for items in Subdivision Rules and Regulations 9.1.3.
 - e) Three full size sets and two reduced sets of the endorsed, recorded plans.
22. A pre-construction conference shall be held with the Applicants, their representatives, their engineer, the site contractor(s), the Town Planner, the Planning Board's consulting engineer, Conservation Agent, a representative of DPW and other representatives of the Town as the Board feels are necessary. A preconstruction conference will not be scheduled until all items required in Condition 21 and 35 have been submitted. A list of all contractor contacts, including names and telephone numbers, shall be

provided to the Planning Board and DPW. At least one telephone contact shall be available 24 hours per day in the event of an emergency.

REQUIRED PRIOR TO THE START OF CONSTRUCTION

23. The boundary of the limit of clearing shall be marked or flagged in the field under direction of a surveyor, and notification given to the Town Planner a minimum of three business days prior to the start of construction. A construction limit snow fence, in addition to other required erosion and sedimentation controls, shall be installed along the perimeter of the open space prior to work. This buffer protection shall be maintained until all work is completed.

REQUIRED DURING CONSTRUCTION

24. Construction work shall not begin prior to 7 AM weekdays and 8 AM on Saturdays, and shall cease no later than 7PM or sunset whichever is earlier. No construction shall take place on Sundays and legal holidays.
25. All earth moving operations shall only occur while erosion and sedimentation control measures approved by the Town Planner or the Board's consulting engineer 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.
26. Hauling of construction materials to and from the site shall not occur during Hatherly School bus hours in the morning and afternoon. These hours are generally 7:00 am – 8:30 am and 2:00 pm – 3:30 pm. These hours are to be confirmed annually with the Superintendent of Schools with documentation provided to the Planning Office within 48 hours of the Superintendent's approval.
27. No construction traffic shall use Booth Hill Road or Mann Lot Road due to their narrow winding nature.
28. Upon completion of construction underground utilities, of the base course of the roadway system, the drainage or detention basins, the swales and the movement of the existing house, stamped as-built plans shall be provided to the Planning Board to confirm that the system and drainage are located and function according to the plans.

As-Built plans shall be signed and stamped by a Registered Professional Engineer and Professional Land Surveyor who oversaw the work.

REQUIRED PRIOR TO ISSUANCE OF THE FIRST BUILDING PERMIT

29. A copy of the applicable method and document of protecting and preserving the open space as required by Section 550.6 E. of the zoning bylaw shall be provided to the Planning Board prior to the issuance of a building permit for newly constructed dwellings on any lot.

REQUIRED PRIOR TO ISSUANCE OF AN OCCUPANCY PERMIT

30. The signs and boulders/stones identified in condition 17 shall be installed prior to issuance of the first building permit for a newly constructed dwelling.
31. Prior to issuance of an occupancy permit, a registered professional engineer shall inspect the lot and certify with his signature and stamp and an as-built plan to the Planning Board and Building Commissioner that any variation in grade is immaterial and does not materially alter the performance of the stormwater management system.

32. Prior to issuance of the fifth occupancy permit, the Applicant shall have completed the relocation of the existing dwelling in accordance with the requirements of the Historical Commission with a historical plaque.

ADMINISTRATION

33. All time periods referenced in this document for completion of conditions shall be tolled in case any appeals are taken.
34. 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. The Applicant shall provide proof that the Special Permit was recorded to the Planning Board.
35. Within ten days of the date of recording, copies of the approved Definitive Plan, the special permit, the Homeowners' Association Agreement shall be provided to the Planning Board.
36. 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.
37. All plan sheets of the Definitive Plan shall be recorded at the Registry of Deeds.

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 to approve the Flexible Open Space Development Special Permit at 90 Ann Vinal Road – Curtis Estates with the conditions noted above.

Date

SCITUATE PLANNING BOARD

This decision was filed with the Town Clerk on _____
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

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 to approve the Flexible Open Space Development Special Permit at 90' Ann Vinal Road – Curtis Estates with the conditions noted above.

February 8, 2018

Date

SCITUATE PLANNING BOARD

Greg P. Pritchard
Richard W. Taylor
B. A. B.
Gina Barbice

William Lubaer

This decision was filed with the Town Clerk on February 20, 2018
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