

TOWN OF SCITUATE



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

Planning Board

May 29, 2014
Ms. Kathleen Curran
Town Clerk
Town of Scituate

RECEIVED
2014 MAY 30 AM 8:54
TOWN OF SCITUATE
TOWN CLERK

Certificate of Action

RE: Approval of Definitive Subdivision Plan Modification at 55 Colonel Mansfield Drive Lot 2 for Applicant Craig W. Hoffman and Owner Richard W. and Helen V. Hoffman

Dear Ms. Curran,

This is to certify that pursuant to MGL Ch. 41 S 81-U the Planning Board, at its meeting held on May 22, 2014, upon a motion duly made and seconded, voted (4-0) with members Limbacher, Pritchard, Vogel and Greene voting as they were present at all public hearing sessions, to APPROVE WITH CONDITIONS the above referenced Definitive Subdivision Plan Modification to create 1 additional single family house lot to be located on property currently addressed as 55 Colonel Mansfield Drive, within the Residential R-1 and Water Resource Protection zoning districts of the Town of Scituate. The approved plan is entitled Amended Subdivision Plan for Colonel Mansfield Estates in Scituate, Massachusetts by Ross Engineering Company, Inc., dated January 23, 2014, with revisions through May 5, 2014 (the Definitive Plan) consisting of 5 sheets, and as further revised to include conditions of the plan. These sheets include:

- Sheet 1 – Cover Sheet
- Sheet 2 – Existing Conditions Plan
- Sheet 3 – Lot Layout Plan
- Sheet 4 – Topographic Utility and Grading Plan
- Sheet 5 – Standard Details Plan

BACKGROUND

Colonel Mansfield Estates Definitive Plan Modification consists of the addition of one (1) lot on an existing 5.23 acre site containing a single family home. One lot will contain the existing home and one new lot will be created. A cul-de-sac layout will be provided for frontage. Within the cul-de-sac layout, a private hammerhead turnaround will be constructed on the private property and remain private in perpetuity. Proposed water, underground electric and telephone utilities and an on-site septic system will be utilized to service the lot.

An Order of Conditions and Stormwater Permit have been issued by the Conservation Commission. No underground drainage system is within the hammerhead area. Stormwater was addressed by the Conservation Commission and reportedly meets the Stormwater Regulations.

The plan has been reviewed under the Town of Scituate Zoning Bylaw dated September 19, 2013 and Town of Scituate Subdivision Rules and Regulations dated August 13, 2010.

CORRESPONDENCE:

The following correspondence relating to this application was submitted for the Planning Board's review:

- Application and Waiver list for Definitive Subdivision Plan modification
- Amended Subdivision Plan for Colonel Mansfield Estates dated 1/23/14 by Ross Engineering consisting of 4 sheets
- Email dated 2/14/14 to Paul Mirabito on missing information
- Transmittal to departments dated 2-19-14
- Comment from the Water Department dated 2/24/14
- Comment from the Board of Health dated 2-24-14
- Email dated 3/6/14 from Laura Harbottle on Traffic Rules and Regulations meeting
- 4/1/14 letter from the Fire Chief
- Email dated 4/10/14 from the Fire Chief
- Picture of entrance at 55 Colonel Mansfield
- ZBA frontage decision dated 8/30/1971
- Email from Pat Gallivan to Laura Harbottle dated 5/8/14
- Email from Pat Brennan to Laura Harbottle dated 5/8/14 with Stormwater Review for the Conservation Commission
- 5-7-14 letter from Traffic Rules and Regulations Committee
- 5-8-14 letter with Revised Amended Subdivision Plans, Sheets 1-5 dated 5-5-14
- Draft conditions for Definitive Subdivision Plan modification
- Draft conditions for Definitive Subdivision Plan modification version 2 5-21-14
- Email from Laura Harbottle to the Board containing Revised Draft conditions for Modification of Subdivision Plan – 55 Colonel Mansfield Drive dated 5/22/14 and the Conservation Commission Order of Conditions for Lot 2 Colonel Mansfield Drive
- Email from Jeff DeLisi on Condition 3 dated 5/22/14
- Email from Laura Harbottle to Board dated 5/22/14 forwarding Town Counsel's comments on Condition 3

VOTE:

At their regularly scheduled meeting of May 22, 2014, Planning Board members Limbacher, Pritchard, Vogel and Greene having been present at all sessions of the public hearing Town Clerk voted to approve the Definitive Subdivision Plan Modification 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 alternative development plan.

And subject to the following conditions (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 by Ross Engineering Co., Inc. entitled “Amended Subdivision Plan for Colonel Mansfield Estates in Scituate, Massachusetts”, dated January 23, 2014, revised March 17 and May 5, 2014 (hereinafter, the “Plan” or the “Amended Subdivision Plan”), and the Order of Conditions and the Stormwater Permit issued by the Scituate Conservation Commission.
2. The Amended Subdivision Plan shall be revised such that the materials of the surface of the hammerhead turnaround are as shown on the Stormwater Permit Plan filed with the Conservation Commission.

As required by the Stormwater Bylaw, a copy of the Stormwater Permit application shall be provided to the Planning Board prior to endorsement of the Amended Definitive Plan.
3. Where this Amended Subdivision Plan requires approval, permitting, or licensing from any local, state, or federal agency this approval, permitting, or licensing to this Amended Subdivision Plan will be deemed a condition of the Planning Board’s approval.
4. Construction in the area of the cul-de-sac shown on the Plan and related infrastructure shall meet or exceed all requirements of the Scituate Subdivision Rules and Regulations dated August 13, 2010 except as specifically waived by the Planning Board.
5. No lot shown on the Plan may be further divided or subdivided to create additional building lots on this 5.4 acre parcel of land.
6. As requested by the Fire Department, a new hydrant shall be installed in the location set forth on the Plan which shall meet the standards of the Town of Scituate Subdivision Rules and Regulations, or in an alternate location approved by the Fire Department.
7. As required by the Town of Scituate Subdivision Rules and Regulations, electric, cable, telephone and similar utility lines serving Lot 2 shall be located underground, as shown on the Plan or in such other underground location as required by these utility companies.
8. All stormwater produced by the proposed development shall be accommodated on site by the stormwater management system shown on the Stormwater Permit Plan approved by the Conservation Commission, with no impact on the Town of Scituate stormwater management system through additional flow into or connection made to the drainage system in Colonel Mansfield Dr. without prior approval by the Planning Board.
9. The applicant shall agree to construct the hammerhead turnaround and complete all other work specified on the Amended Subdivision Plan or required under the Subdivision Rules and Regulations except as specifically waived by the Planning Board, including installation of

required utilities, within three years of the date of endorsement of the Amended Subdivision Plan, or as may be extended by the Planning Board.

10. The applicant shall maintain the hammerhead and utilities within the 5.4 acre subdivision parcel in perpetuity. In the Homeowner's Agreement referenced below, the applicant shall grant to the Town of Scituate, a right and easement to construct, repair, replace, extend, operate, use and forever maintain the hammerhead turnaround as shown on the Plan in case of emergency. 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 amended 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 the hammerhead and utilities in satisfactory condition.
11. 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 the Plan are satisfactory and conform to the Town specifications and the requirements of the Planning Board pursuant to these conditions.
12. Any modification of this 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 may result in a vote of rescission of the Planning Board's approval by the Planning Board following notice to the applicant and all owners of the land shown on the Plan and a hearing thereon.

Required Prior to Endorsement or Recording of Plans

13. The system of water distribution including the additional hydrant, extension and/or looping of the water main if required, proposed water service for Lot 2 and any additional appurtenances shall be approved by the DPW Water Division prior to the pre-construction meeting.
14. The location of underground electric utilities serving Lot 2, now shown within the treeline, shall be adjusted so they are under the hammerhead turnaround shown on the Plan. If the underground utilities cannot be constructed within the hammerhead, the utility company or the applicant shall contact the Planning Board prior to installation.
15. All conditions of approval and waivers granted shall be inscribed upon the Plan prior to endorsement.
16. The applicant shall obtain the endorsement of the Planning Board upon the Plan within 180 days of the later of the date of approval, termination of the appeal period following approval, or the final adjudication or dismissal of an action appealing approval of the Plan if appealed. Failure to comply with this requirement may result in a vote of rescission of the Planning Board's approval by the Planning Board following notice to the applicant and all owners of the land shown on the Plan and a hearing thereon.
17. A Covenant or other form of surety as provided in M.G.L. c. 41, s. 81U to guarantee construction of the hammerhead turnaround and required water system improvements shall be provided to the Planning Board prior to endorsement of the 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 by the Planning Board, the Covenant shall be referenced on the Plan.

18. The developer shall provide a draft Homeowner's Agreement for maintenance of the proposed hammerhead and utilities prior to endorsement of the Plan, which shall be reviewed by the Town Planner. This Agreement shall be provided to subsequent purchasers of the property.

Required Prior to Pre-Construction Conference

19. The applicant shall, within the later of six (6) months of the termination of the appeal period following endorsement of the Plan or the final adjudication or dismissal of an action appealing endorsement of the Plan if appealed, file all sheets of the Plan with the Plymouth County Registry of Deeds, and shall transmit two (2) mylar reproduces of the plan which is submitted for recording 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, Conservation Commission and Planning Board files.
20. Prior to the pre-construction conference, the applicant shall provide the Planning Board with a copy of the Plan on disk in CAD (.dwg format) and copies of the NPDES Permit if required, including its Stormwater Pollution Prevention Plan.

Required Prior to the Start of Construction

21. The grades shall be staked as noted on Sheet 4 and the Town Planner notified to allow for review prior to installation of the sub-base.
22. A pre-construction conference shall be held with the applicants and town representatives including the Town Planner and Conservation Agent. A list of all contractor contacts, including names and telephone numbers, shall be provided to the Planning Board, Conservation Commission and DPW. At least one telephone contact shall be available 24 hours per day in the event of an emergency.

Required During Construction

23. Construction work on the turnaround and related infrastructure shall not begin prior to 7 AM weekdays and 8 AM on Saturday and shall cease no later than 7 PM or sunset whichever is earlier. No construction shall take place on Sundays or legal holidays.
24. No equipment shall be parked or stored so as to render Colonel Mansfield Drive impassable. No portion of Colonel Mansfield Drive shall be used as a staging area. No parking or unloading on Colonel Mansfield Dr. shall be permitted during construction.
25. A registered professional engineer shall certify in writing to the Planning Board and DPW at completion that the proposed subdivision hammerhead turnaround was constructed in accordance with the approved Plans.
26. This certification shall be accompanied by as-built plans, signed and stamped by a professional land surveyor and a professional engineer.

Acceptance of Street as a Town Way

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

Ongoing

28. A copy of the recorded Homeowner's Agreement shall be provided to any prospective owners of Lot 1 or Lot 2 subsequent to the ownership of Richard and Helen Hoffman or Craig and Valerie Hoffman at the execution of a Purchase & Sale Agreement to a subsequent prospective purchaser.

WAIVERS:

The Board voted to approve the following waivers from the Town of Scituate Subdivision Rules and Regulations on May 8, 2014:

Section 6.3.2 Required Sheets

Required: Cover w/ index, locus & legend; Index Sheet w/1"=100' subdivision, Subdivision Plan; Layout Plan and Profile; Topographic Plan; Landscape Plan; Erosion & Sedimentation Control Plan; An Easement Plan; Details

Provided: Cover, lot layout, topographic, utility and grading and details.

Voted: Waiver approved.

Section 6.3.3.4 Layout Plan and Profile

Required: Plan and Profile with layout of utilities and layout data for the road

Provided: NO plan or profile for the hammerhead

Voted: Waiver approved.

Section 6.3.3.5.h Locate 12" trees

Required: Locate 12" or larger trees not within an area not to be disturbed

Provided: None. All trees in the area of the hammerhead, house, driveway and septic system will need to be removed.

Voted: Waiver approved.

Section 6.3.3.6 Landscape Plan

Required: Plan prepared by a Registered Landscape Architect with proposed landscape plantings for landscaped areas and screening for stormwater facilities, stone walls and existing specimen trees over 12"

Proposed: None. No proposed landscaping in the area of the cul-de-sac.

Voted: Waiver approved.

Section 6.3.3.7 Erosion and Sedimentation Control Narrative Plan

Required: Description of construction activities, sequence and schedule of construction, proposed erosion and sedimentation control measures, measures to prevent sediment from being tracked off site, stockpile control, dust control etc.

Proposed: None. Applicant desires it to be reviewed under Conservation Commission in the Notice of Intent and Stormwater Permit.

Discussed: The Board agreed it was provided under the Stormwater Plan with the narrative.

Voted: Waiver approved.

Section 6.3.3.1 (6.3.4.1) Observation Pits

Required: Centerline of road and stormwater facilities with soil profiles

Proposed: None. The hammerhead is adjacent to an existing paved and stable driveway. The cross section is adequate for the proposed pavement.

Voted: Waiver approved.

Section 6.3.4.2. Stormwater Management System

Required: Report and calculations describing the stormwater management system with pre and post development flows for specific storms and catchment areas with soils data included

Provided: None. The Conservation Commission will issue a Stormwater Management Permit for Lot 2 which covers similar and/or the same criteria.

Voted: Waiver approved.

Section 6.3.4.5 Traffic Circulation and Safety

Required: Documentation necessary to determine conformance with regulations including street alignment, sight distance, grade and all other information governing locations of and construction of roads

Proposed: None. The only increase is from one single family lot.

Voted: Waiver approved.

Section 6.3.4.6 Draft Homeowner's Agreement

Required: Draft Homeowner's Agreement for maintenance of road and stormwater facilities

Proposed: None. As none exists for this older subdivision and none is proposed for the one proposed dwelling.

Voted: Waiver approved.

Section 6.3.4.8 Aerial Photo

Required: Aerial photograph at 1:1,200 from 1995 or later indicating the property to be subdivided

Proposed: None. There is only one house proposed and the plans submitted provide more accurate detail than one would see on an aerial photo.

Voted: Waiver approved.

Section 6.11.5 As-Built Plan

Required: As-built showing prepared by a Registered PE or Land Surveyor showing the road and all improvements

Proposed: None.

Voted: Waiver approved.

Section 7. Design Standards

Required: Dead end streets shall have a cul-de-sac with an outside street line of 100 feet, curbing, sidewalks

Proposed: None. Private Hammerhead turnaround for emergency vehicles is being proposed where none exists. No curbing, sidewalks or street trees will be installed.

Voted: Waiver approved.

Section 7.3 Utilities

Required: Storm drainage, water supply, sanitary sewer, electric, telephone and other utilities – all to be underground

Proposed: None. No stormwater utilities are being installed in the cul-de-sac

Voted: Waiver approved.

Section 7.4 Erosion and Sedimentation Control

Required: All subdivisions shall be designed to prevent erosion and sedimentation as a result of the disturbance of the natural landscape and construction of roads, houses etc.

Proposed: None. The applicant proposes it be addressed by the Conservation Commission under the

Stormwater Permit and Notice of Intent.

Discussed: The Board agreed it was in the Conservation Commission information.

Voted: Waiver approved.

Section 7.5.5 Street Trees

Required: Required along new subdivision roads

Proposed: None. The applicant will provide landscaping for a single family home.

Voted: Waiver approved.

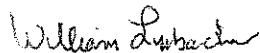
Appendix A Section 4.1 Project Review Fee

Required: Review according to the judgment of the Planning Board

Proposed: None. The applicant requests the Conservation Commission to review the stormwater and wetlands issues and sees no need for duplication.

Voted: Waiver approved with the commitment to receive the Stormwater Development Plans; inspection of the hammerhead grading and pavement installation (gravel base, binders and wearing course) will be required by Amory Engineers, P.C. and paving report to be provided to both the Planning Board and the Conservation Commission.

Sincerely,



William Limbacher

Chairman, Planning Board

cc: Craig W. Hoffman
Richard W. & Helen V. Hoffman
Paul Mirabito, Ross Engineering Company, Inc.
William Ohrenberger Esq.
Jeffrey DeLisi, Esq.
Director, Department of Public Works
Building Commissioner
DPW, Water Division
Conservation Agent
Director of Public Health