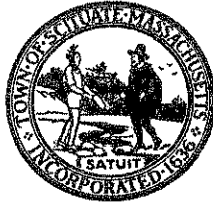


**TOWN OF SCITUATE**



600 Chief Justice Cushing Hwy  
Scituate, Massachusetts 02066  
Phone: 781-545-8730  
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*Planning Board*

February 3, 2014

Ms. Kathleen Curran  
Town Clerk  
Town of Scituate

*Received by the  
Town Clerk or*

FEB 3 2014 *KAC*

*9:45AM*

**Certificate of Action**

**RE: Approval of Definitive Subdivision Plan “Benjamin Studley Farm – Studley Farm Road” for Fern Properties, LLC**

Dear Ms. Curran,

At their regularly scheduled meeting of January 30, 2014, the Planning Board voted to approve the plan titled Benjamin Studley Farm Definitive Flexible Open Space Development Plan at 214 Clapp Road in Scituate, Massachusetts by McKenzie Engineering Group, Inc., dated July 25, 2013, with revisions through November 19, 2013 (the Definitive Plan), and as further revised to include conditions of the Flexible Open Space Development Special Permit and the Definitive Subdivision Plan as approved by the Planning Board, with members Limbacher, Pritchard, Taylor, Vogel and Greene having been present at all sessions of the public hearing voting, subject to the following conditions:

1. All construction shall be according to a plan by McKenzie Engineering Group, Inc. titled Benjamin Studley Farm Definitive Flexible Open Space Development Plan, dated July 25, 2013, with revisions through November 19, 2013, with any additional revisions needed to conform to these conditions or those of the Flexible Open Space Development Special Permit.
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 Clapp Road, a Scenic Road.

3. 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. All conditions of approval and waivers granted shall be inscribed on the plan prior to endorsement.
4. The total number of residential dwelling units on the site shall not exceed nine (9). No lot in the Flexible Open Space Definitive Subdivision may be further divided or subdivided into additional building lots.
5. 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.
6. The applicant shall complete the construction of all ways and municipal services within three years of the date of endorsement of the Definitive Plan. 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.
7. 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. The Town Planner or her designee shall accompany the applicant to the registry of deeds to ensure documents are recorded and the town is provided recorded copies of decisions, drawings and covenants.
8. 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. 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. The subdivider shall promptly, after recording, send a copy of the covenant, showing book and page number, to the Board.
9. The applicant shall agree to construct streets and complete all other work specified on the Definitive Plan or required under these Rules and Regulations, meet all relevant provisions of the Scituate Zoning By-Laws and other By-Laws, including installation of all required utilities in such subdivision, and all work incidental thereto, such as grading of lots to provide drainage, construction of walkways, retaining walls and other details, as outlined in Section 7.0 of these Rules and Regulations and as specifically required by the Planning Board, within three years of the date of endorsement of the Definitive Plan.
10. An easement shall be provided allowing a Homeowner's Association access to drainage and stormwater management systems which will be privately maintained to allow inspection, maintenance and repair, and allowing the town access in case of an emergency, or to test water quality if this is deemed in the public interest.

The applicant shall also grant to the Town of Scituate, a right and easement to construct, repair, replace, extend, operate, use and forever maintain all streets, water mains, sewer mains, and all surface and subsurface storm water 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, 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.

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 his subdivision are satisfactory and conform to the Town specifications and the requirements of the Planning Board.
12. 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. The Town may assess betterments for any work needed to make such streets conform to Town standards prior to acceptance thereof as Town ways.

Street acceptance by the Town shall generally be limited, as to drainage, to the storm drainage system within the street layout. Until a street within a subdivision is accepted by Town Meeting as a public way, all streets, those portions of drainage systems within the street layout, and other improvements within the street layout shall be operated and maintained by the developer or a Homeowner's Association made up of the residents of the subdivision or their representatives.

After a street is accepted by the town, components of the drainage and stormwater management system outside the street layout such as detention/retention devices and their outfalls, drainage swales, and other similar facilities for stormwater management outside the street layout shall continue to be maintained by the Homeowner's Association. The developer shall inform the Planning Board within seven (7) days of the date that his/her maintenance responsibilities are assumed by the Homeowner's Association.

13. Approval of the Definitive Plan does not constitute the laying out or acceptance by the Town of streets shown on the Plan.
14. Any modification of this Definitive Plan, other than as authorized by G.L. c. 41, s. 810, 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.
15. 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.
16. 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 to the Planning Board and Building Commissioner that the grading conforms to that shown on the approved plan.

17. Prior to a request for street acceptance, the Planning Board shall request its engineer to make an inspection of the street to determine whether or not it should recommend to the Board of Selectmen, the laying out of said street as a public way. If the recommendation is in the affirmative, the Planning Board shall so advise the Selectmen forthwith.
18. These conditions shall be inscribed upon the approved definitive plan prior to endorsement.

**The Board voted to approve the following waivers from the Town of Scituate Subdivision Rules and Regulations on November 26, 2013:**

*Section 6.3.1 Margin Requirements*

Requirement: 2.5" left side margin and 1" margins on other 3 sides.

Proposed and Voted: 1.5" left side margin and ¾" margins on other 3 sides.

*Section 6.3.3.4.b. Layout Plan and Profile*

Requirement: Provide easements on Roadway Plan and Profile.

Proposed and Voted: All proposed easements are shown on the Subdivision and Easement Plans. Electric easements shall be provided by the Utility Company.

*Section 6.3.3.5.h. Topographic and Grading Plan*

Requirement: Locate existing large trees, having a caliper of 12" or more in areas of disturbance.

Proposed and Voted: Illustrate the existing tree line and the proposed limit of clearing or tree line.

*Section 6.3.4.1 Observation Pits*

Requirement: Provide observation pits within the roadway section.

Proposed and Voted: Extensive soil testing was previously done on site prior to filing in order to determine suitability of soils to accommodate Title 5 systems and stormwater management facilities.

*Section 7.2.1.7.f. Driveway locations over soil absorption systems*

Requirement: Curb cuts shall be located to allow construction of driveways without crossing over a soil absorption system or septic system structural component other than a forced main or a transport pipe.

Proposed and Voted: Less than 20% of any soil absorption system shall be located underneath proposed driveways.

*Table of Street Dimensions: Roadway Width*

Requirement: Minor Street Type – roadway width of 24 feet.

Proposed and Voted: Proposed 20 feet roadway width.

*Section 7.2.1.8b-e Curbing*

Requirement: Granite curbing required at all intersections, cul-de-sacs and curb inlets.

Proposed: 18" Cape Cod Berm is proposed for the subdivision.

Voted: Granite curbing is required at the subdivision entry and drainage structures and not at the cul-de-sac. 18" Cape Cod Berm for everywhere else.

*Section 7.3.1.4.d.2 Fencing for Detention Structures*

Requirement: Detention devices which are expected to contain water or have steeper than 3:1 interior slope shall normally be fenced.

Proposed and Voted: No fencing is proposed as no interior slopes are greater than 3:1. The micro pools in the pocket wetland will permanently contain water. With minimal water, no fencing will allow wildlife access to the pocket wetland.

Sincerely,

*William Limbacher* kj

William Limbacher  
Chairman, Planning Board

cc: Fern Properties, LLC  
Deborah Keller, McKenzie Engineering Group, Inc.  
Matthew Watsky  
Director, Department of Public Works  
Building Commissioner  
DPW  
Conservation Agent  
Director of Public Health