

TOWN OF SCITUATE



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Planning Board

May 9, 2014

Ms. Kathleen Curran
Town Clerk
Town of Scituate

RECEIVED

2014 MAY 12 PM 3:22
TOWN OF SCITUATE
TOWN CLERK

Certificate of Action

RE: Approval of Definitive Subdivision Plan "Blanchard Farm Estates" at 40 Curtis Street for Blanchard Farm, LLC

Dear Ms. Curran,

This is to certify that pursuant to MGL Ch. 41 S 81-U the Planning Board, at its meeting held on April 24, 2014, upon a motion duly made and seconded, voted (5-0) with members Limbacher, Pritchard, Taylor, Vogel and Greene voting as they were present at all public hearing sessions or filed a Mullin Rule Certification with the Town Clerk for only one session missed, to APPROVE WITH CONDITIONS the above referenced Definitive Subdivision Plan to create 11 single family house lots to be located on property currently addressed as 40 Curtis St., within the Residential R-2 zoning district of the Town of Scituate. The approved plan is entitled Blanchard Farm Estates, Definitive Subdivision Plan in Scituate, Massachusetts by Morse Engineering Company, Inc., dated October 10, 2013, with revisions through February 13, 2014 (the Definitive Plan) consisting of 13 sheets and two additional sheets to be incorporated in the Plan, 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 – Grading & Utilities Plan
- Sheet 5 – Roadway Plan & Profile
- Sheet 6 – Erosion & Sedimentation Plan
- Sheet 7 – Construction Details I

Sheet 8 – Construction Details II
Sheet 9 – Construction Details III
Sheet 10 – Construction Details IV
Sheet 11 – Construction Details V
Sheet 12 – Landscaping Plan
Sheet 13 – Landscaping Plan

Additional sheets submitted:

- Site Cross Section Plan dated 12/20/13
- Sight Distance Plan dated 12/20/13

BACKGROUND

Blanchard Farm Estates consists of a proposed eleven (11) lot development on an existing 7.54 acre site containing a single family home. One lot will contain the existing home and ten new lots will be created. The subdivision road is proposed to be a 600 foot long cul-de sac road on the northwest side of Curtis Street. Proposed water, sewer, underground electric and telephone utilities will be utilized to service the development.

A closed drainage system with an underground infiltration area, constructed wetland and infiltration basin will be employed to reduce the volume and peak rate of runoff from the development. Accordingly, the drainage system will meet or exceed the BMP requirements to satisfy the local regulations. The drainage system will remove greater than 80 % TSS from the stormwater.

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:

- DPW Engineering Division Definitive Plan comments dated 11-15-13
- Email dated 11-15-13 from Jennifer Sullivan on soil logs
- Letter dated 11-19-13 from Director of Public Health that Board of Health approved project with mosquito control measures
- Peer review by Amory Engineers dated 11-13-13
- 11-23-13 email from Al Bangert of DPW requesting curb repairs on Curtis Street etc.
- Staff Report Definitive Subdivision Plan 40 Curtis Street dated 12-5-13
- Construction Phase Operation and Maintenance Plan BMP's revised dated 12-20-13
- Site Cross Section Plan dated 12-20-13
- Sight Distance Plan dated 12-20-13
- 12-23-13 memo to Laura Harbottle from Karen Joseph on Landscaping
- Response to comments from Planning Dept. by Scott Ridder Landscape Architect dated 1-7-14
- Response to comments by Morse Engineering dated 1-8-14
- Revised Amory Peer review letter dated 1-13-14
- Declaration of Easements, Restrictions and Covenants for Blanchard Farm Estates 1-27-14
- Post Construction Operations and Maintenance dated 1-21-13
- 2-4-14 email from Greg Morse on abutter meeting
- Memo from DPW Engineering dated 2-4-14
- Landscape Memorandum revised dated 2-4-14
- Email from Laura Harbottle to Greg Morse dated 2-4-14 on Traffic Rules meeting

- 2-5-14 emails from Pat Brennan of Amory Assoc. and Karen Joseph on stormwater management and road widths
- Fire Flow test from J Hoadley and Sons dated 6-5-13 received 2-5-14 by Board from Morse Eng
- Email dated 2-6-14 from Amory Associates on fire flow tests
- Email dated 2-10-14 from Morse to Laura Harbottle on road/improvements
- Email and letter dated 2-13-14 from Morse Eng. indicating plans revisions to water and fire
- Email dated 2-13-14 from Deputy Chief Murphy on Fire Flows
- 40 Curtis revised staff report dated 2-13-14
- Email dated 2-13-14 from Jim DeBarros of the Water Division
- Email dated 2-13-14 from John Barry forwarding letter from Mr. Juliano
- Email dated 2-21-14 from Fire Chief Judge on Turning Radius Calculations
- 2-25-14 memo from Laura Harbottle to DPW on Board vote of waiver on curbing and 11/13 DPW request for improvements to curbing on Curtis Street
- 3-5-14 email to Board from Laura Harbottle with draft conditions for project
- 3-6-14 email from Laura Harbottle to Board on speed signs for Curtis Street and Country Way
- 3-6-14 email from Morse Eng. responding to turning radius calculations
- 3-10-14 email from Ann Gorham with letter from Richard Henderson
- 3/13/14 email from Greg Morse re interpretation of test pit requirements with attached e-mail from Pat Brennan to Greg Morse (Planning Board not copied)
- 3-14-14 email from Greg Morse clarifying circumstances of prior email
- 4-2-14 email from Greg Morse requesting meeting with PB Chair and Town Planner
- 4-6-14 email from Greg Morse requesting meeting with PB Chair and Town Planner
- 4-14-14 email from Greg Morse requesting meeting with PB Chair and Town Planner
- 4-16-14 email from Greg Morse requesting meeting with PB Chair and Town Planner
- 4-17-14 email from Greg Morse requesting additional conditions on erosion and sedimentation
- 4-17-14 email from Pat Brennan re test hole requirements
- 4-17-14 email from Greg Morse to Pat Brennan re infiltration basin requiring 4' separation from groundwater
- 4-17-14 email from Greg Morse requesting clarification of Pat Brennan's comments
- 4-18-14 email from Greg Morse requesting clarification of Pat Brennan's comments
- 4-22-14 Updated Draft Conditions
- 4-22-14 email from Pat Brennan re test hole condition

VOTE:

At their regularly scheduled meeting of April 24, 2014, Planning Board members Limbacher, Pritchard, Taylor, Vogel and Greene having been present at all sessions of the public hearing sessions or having missed only one and filed a Mullin Rule Certification with the Town Clerk voted to approve the Definitive Subdivision Plan 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 Morse Engineering Company, Inc. titled Blanchard Farm Estates Definitive Subdivision Plan in Scituate, Massachusetts, dated October 10, 2013, with revisions through February 13, 2014, with any additional revisions needed to conform to these conditions.
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 Curtis Street.
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. All conditions of approval and waivers granted shall be inscribed on the plan prior to endorsement.
4. 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.
5. The total number of residential dwelling units on the site shall not exceed eleven (11), except for permitted accessory dwellings. No lot in the Definitive Subdivision may be further divided or subdivided to create additional building lots.
6. 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 off-site, and all work incidental thereto, such as grading of lots to provide drainage, construction of walkways, retaining walls and other details, and installation of water main connecting to Country Way 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.

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 Homeowners’ Association. 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 Homeowners’ Association made up of residents of the subdivision or their representatives.

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, and shall also identify the officers of the Homeowners’ Association and the name, phone no. and e-mail of the Association’s contact person.

7. The applicant shall grant to the Town of Scituate, a right and easement to construct, repair, replace, extend, operate, use and forever maintain all streets, water mains and the stormwater management system including all surface and subsurface stormwater drains in, through or under the streets and easements as indicated on the Definitive Plan. The above shall not be construed to relieve the applicant, and his successors in title, to the ownership of a portion of the land or

any street within the subdivision or the stormwater management system which is generally not accepted by the Town, nor diminish in any way, its responsibility to complete all construction as required by the applicant's agreements with the Town and to thereafter maintain all streets and utilities in satisfactory condition if or when they are accepted by the Town.

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.

8. 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 applicant's subdivision are satisfactory and conform to the Town specifications and the requirements of the Planning Board.
9. Any modification of this Definitive Plan, other than as authorized by G.L. c. 41, s. 81O, shall require modification by the Planning Board in accordance with G.L. c. 41, s. 81W. Failure to comply with this requirement shall result in rescission of the Planning Board's approval.

Required Prior to Endorsement or Recording of Plans

10. All conditions of approval and waivers granted shall be inscribed upon the definitive plan prior to endorsement.
11. 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 Definitive Plan. Failure to obtain such endorsement shall result in the automatic rescission of the approval of such plan.
12. A Covenant or other form of surety as provided in MGL. 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 which shall be recorded with the covenant at the expense of the applicant. The Town Planner shall assist the applicant to the registry of deeds to ensure documents are recorded and the town is provided recorded copies of decisions, drawings and covenants.
13. 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 recording 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.

14. The developer shall provide a draft Homeowner's Association Agreement and sufficient funds for review by Town Counsel prior to endorsement of the Definitive Plan. The Homeowners' Association Agreement shall include provision that annual mosquito control measures described be taken as described in the attachment to this decision. Any deviations from the mosquito control shall be approved by the Board of Health and submitted to the Planning Board.
15. To reflect the waiver granted by the Planning Board, prior to endorsement of the Definitive Plan, curbing details shall be modified to show bituminous berm and detail for granite where it is still required. Bituminous concrete berm must reflect loam and seed to the top of the back of the berm. Vertical granite curb detail must be added to plans. 4' transition curb adjacent to the curb inlet must be labelled as granite. Vertical granite curb shall be set and held in place with a 6" depth lift of 4000 PSI concrete with 3/4" aggregate on both sides and the bottom of the curb. Limits of vertical granite curb shall be shown on the plans.
16. The limit of erosion control shall be the limit of work. This statement shall be added to the Erosion and Sedimentation Control Plan as a note prior to endorsement. The limit of work for Lots 2-5 shall be staked prior to construction. Erosion controls needed for this area shall be installed during construction as directed by the Town Planner and/or Planning Board's consulting engineer.
17. Detail and plan view of the temporary sediment basin shall be added to the plans prior to endorsement. The Erosion and Sedimentation Control Plan shall be modified in accordance with the Subdivision Regulations Section 6.3.3.7. A narrative must be provided and a sequence of construction must be noted on the plans. Dust control measures, temporary staging area, temporary stockpile area for stumps, stockpile areas for soils, length of time areas are exposed and limit of work must be addressed per the regulations.
18. Prior to endorsement, the stabilized construction entrance detail shall be revised to be composed of 12" deep of 4" – 6" crushed stone with radii to accommodate construction vehicles. It shall be required to be maintained throughout construction to prevent sediment from being tracked or flowing into the public right-of-way. Additional erosion control, such as silt fence and/or haybales placed prior to a precipitation event, may be needed to prevent sediment from reaching the road, adjacent properties or wetland resources during construction.

Required Prior to Pre-Construction Conference

19. The Site Distance Plan and Site Cross Section Plan both dated December 20, 2013 by Morse Engineering Co., Inc. shall be incorporated into the Definitive Plan prior to endorsement. Following endorsement, the applicant shall, within six (6) months of approval, file the Definitive Plan with the Plymouth County Registry of Deeds, and shall transmit two (2) mylar reproducibles of the recorded plan for the Planning Board and DPW, and four paper copies of the recorded plan to the Planning Board for the DPW Engineering Division, DPW Water Division, Building Department and Planning Board files. . All plans in the Definitive Drawing set must be recorded at the Registry of Deeds.
20. Prior to the pre-construction conference, the applicant shall provide the Planning Board with a copy of the Definitive Plan on disk in CAD (.dwg format).
21. Prior to the pre-construction conference, the following must be provided to the Planning Board:
 - a. Copies of the NPDES Permit including its Stormwater Pollution Prevention Plan,
 - b. A check to cover cost of inspections by the Town's consulting engineer. The amount shall be provided by the Planning Department.

- c. A construction schedule including approximate dates for items in the Subdivision Rules and Regulations 9.1.3, construction of the looped water main through to Country Way, installation of traffic data recorders as defined in paragraph 24 hereof on Curtis St. and Country Way and painting of the crosswalk on Curtis St.

Required Prior to the Start of Construction

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 and other representatives of the Town as the Board feels are necessary. A pre-construction conference will not be scheduled until items listed in Condition 21 are provided. 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.
23. Prior to the start of construction, a street sign shall be erected with a street name approved by the Police Dept. and Planning Board.

Required During Construction

24. Three months after locations for installation are designated and approved by the Town of Scituate, the applicant shall install two 30" x 42" SC-15 "YOUR SPEED" Radar Driver Feedback Signs distributed by Signal Services (1-860-289-8033.) The sign appearance should match that of the sign installed on Gannett Road with amber LED light with white sign face. Solar Panels to power the lights shall be installed based upon sign location with 55AH batteries. Schedule & Traffic Analyzer, Device manager shall be used with Blue tooth Communication (USB Bluetooth Module.)
25. Construction work 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.
26. All earth operations shall only occur while erosion and sedimentation control measures approved by the Town Planner are in place. Such control measures shall remain in place until the Board's consulting engineer determines after consultation with the Town Planner, that the danger of erosion or sedimentation no longer exists.
27. Except for clearing, grubbing, road construction and paving, the subdivision road shall be kept clear and passable at all times. No equipment shall be parked or stored so as to render the street impassable. No portion of the subdivision road or cul-de-sac shall be used as a staging area. No parking or unloading on Curtis St. shall be permitted during construction.
28. Inspections and observations made according to the Stormwater Pollution Prevention Plan (SWPPP) shall be submitted to the Board within 48 hours after the inspections. The Board reserves the right to have the consulting engineer visit the site weekly during times when required construction inspections are further apart.
29. A test hole, witnessed by the Planning Board's consulting engineer, shall be excavated during construction to verify that the proposed four feet of separation from the seasonal high groundwater will be provided at the infiltration structure adjacent to Curtis St. to verify compliance with DEP Stormwater Management Standards. Results shall be furnished to the consulting engineer who shall verify compliance. If there is less than 4' of vertical separation, a mounding analysis may be required.

30. Test holes shall be excavated at each of the roof infiltration systems more than 25' from an existing test hole whose data was reviewed during the permitting process to verify that three feet of separation from seasonal high groundwater will be provided at each infiltration system in accordance with Zoning Bylaw Section 520.6. D. 3.
31. Test holes shall be performed by a MassDEP certified Soil Evaluator and witnessed by the Planning Board's consulting engineer. Results shall be submitted to the Board.
32. Prior to clearing of trees outside the limit of grading/erosion control, an on-site meeting shall be held with the Town Planner or her designee and subsequent approval obtained. All material proposed to be cleared shall be clearly marked in the field prior to this meeting. The boundary of the limit of clearing shall be marked or flagged in the field under the direction of a surveyor and notification given to the Town Planner and Consulting Engineer a minimum of three days prior to construction.
33. Every effort shall be made to save and transplant the large rhododendron at the entry of the site.
34. 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
35. This certification shall be accompanied by as-built plans, signed and stamped by a professional land surveyor and the supervising professional engineer.

Prior to Application for Building Permits

36. The applicant must provide evidence that documents establishing the Homeowner's Association have been recorded prior to application for the first building permit.
37. The applicant shall pursue the Traffic Rules Committee's and Board of Selectmen's approval of a crosswalk and connection from the subdivision sidewalk to the crosswalk. If approved, the crosswalk and connection shall be completed prior to application for the first occupancy permit, or funds shall be provided to the DPW to cover the cost of completion.
38. Prior to application for building permits, drainage easements shall be identified by stakes no less than 25' apart with bright colored surveyor's tape used to flag the stakes.
39. Interim As-Built Plans shall be prepared for all drainage or detention basins, rain gardens and infiltration structures and the roadway system, and provided to the Planning Board for approval before any building permits for new structures or buildings are issued.

Interim As-Built Plans shall confirm that the roadway and drainage basins are properly constructed, stabilized, located in the approved location and properly sized, so that the required storage capacity is available and no upland necessary for adjacent lots has been used. The location of the drainage basin and all drainage easements shall be confirmed by setting a minimum of two bounds and shall be tied to at least two bounds of the subdivision way and to the Mass. State Plane coordinate system. As-Built Plans shall be signed and stamped by a Registered Professional Engineer and Professional Land Surveyor.

Prior to Application for Occupancy Permits

40. Prior to application for occupancy permits, septic system grading will be reviewed with the Board of Health to make sure it conforms with the approved plans and to assure that the septic

system will not interfere with drainage either within the development or onto abutting properties.

41. Prior to issuance of an occupancy permit, a registered professional engineer shall inspect the lot and certify with his signature and stamp to the Planning Board and Building Commissioner that any variation in grade from the original plan is insignificant and does not in any way alter the drainage calculations, the function of the stormwater management system or the rate or volume of stormwater flow onto abutting properties.

Acceptance of Street as a Town Way

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

Ongoing

43. A certification of compliance with the O & M Plan shall be provided to the Planning Board on January 31 of every calendar year.

WAIVERS:

The Board voted to approve the following waivers from the Town of Scituate Subdivision Rules and Regulations on February 13, 2014:

1. Section 7.2.1.8a Curbing

Requirement: In Type II subdivisions, vertical granite curbing shall be installed in all streets.

Waiver Requested: To allow vertical granite curb at the entry way for the full length of the curve plus a six foot straight section, vertical granite curbing at the catch basins and 18" bituminous concrete berm wherever vertical granite curb is not used.

Waiver Voted: To allow vertical granite curb at the entry way for the full length of the curve plus a 6 foot straight section, vertical granite curbing at the catch basins, vertical granite curb at the cul-de-sac and 18" bituminous concrete berm wherever vertical granite curb is not used.

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2. Section 7.2.3/ Appendix Roadway Width

Requirement: 24 foot roadway pavement width for minor streets.

Waiver Requested: 20 foot roadway pavement with 1.5' Cape Cod berms on both sides.

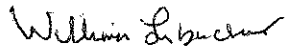
Waiver Voted: 22 foot roadway pavement with 1.5' (18") Cape Cod berms on both sides.

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3. Section 8.2.1. 2. Storm Drain Lines

Requirement: Storm drains shall be reinforced concrete pipe and shall be laid with a minimum of 2.5 feet of cover over the top of the pipe.

Waiver Requested and Voted: Ductile iron pipe with a minimum of 2 feet cover over the top of the pipe.

Sincerely,



William Limbacher
Chairman, Planning Board

cc: Blanchard Farms, LLC
Gregory Morse, Morse Engineering Company, Inc.
Richard Henderson Esq.
Director, Department of Public Works
Building Commissioner
DPW, Water Division
Conservation Agent
Director of Public Health