

Town of Scituate



Planning Board

600 Chief Justice Cushing Highway
Scituate, MA 02066-3297

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June 10, 2011

Mrs. Bernice Brown
Town Clerk
Town of Scituate

Certificate of Action

RE: Approval of Definitive Subdivision Plan "Tilden Estates" for Tilden Woods, LLC

Dear Mrs. Brown,

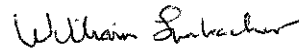
At their regularly scheduled meeting of May 12, 2011, the Planning Board voted to grant the attached list of waivers and to approve the plan titled Tilden Estates Definitive Flexible Open Space Development Plan at 77 Elm Street in Scituate, Massachusetts by Ross Engineering Co., Inc., dated January 12, 2011, with revisions through March 24, 2011 (the Definitive Plan), and as further revised to include conditions of the Flexible Open Space Development special permit approved by the Planning Board, subject to the following conditions:

1. All construction shall be according to a plan by Ross Engineering titled Tilden Estates, A Definitive Flexible Open Space Development Plan, dated January 12, 2011, revised through March 24, 2011, 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.
3. 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. Failure to obtain such endorsement shall result in the automatic rescission of the approval of such plan.
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 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.

6. 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 to inspect, maintain and repair the drainage and stormwater management systems if the applicant or Homeowners' Association fails to do so adequately, and in case of any emergencies, and to test water quality or perform other testing or measurements if this is deemed in the public interest.
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 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, 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.
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 this subdivision are satisfactory and conform to the Town specifications and the requirements of the Planning Board.
9. 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 a Homeowners' Association.
10. 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.
11. 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.
12. 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.
13. These conditions shall be inscribed upon the approved definitive plan prior to its endorsement.
14. In addition to the Covenant normally required to secure the construction of ways and installation of municipal services, a supplemental covenant shall be required prior to the endorsement of the Definitive Plan 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 and supplemental covenant, showing book and page number, to the Board.
15. Upon approval of the covenant by the Planning Board, reference thereto shall be inscribed on the plan, and it shall be endorsed by the Planning Board and recorded with the covenant at the expense of the applicant. Certified copies of all documents which the applicant records at the Registry of Deeds shall be provided to the Planning Board as set forth in these Regulations.

16. A maintenance guarantee providing surety equal to \$10,000 shall be held in same manner as the performance guarantee required by the Subdivision Rules and Regulations. Such maintenance guarantee shall be held by the Town for the maintenance of streets and municipal services for eighteen (18) months after completion of construction and installation or until the streets are accepted by the Town, whichever comes first, after which date the Town shall return the remainder to the person or persons who furnished same.
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 Board of Selectmen forthwith, including in such recommendation notification that the eighteen (18) months for which the applicant is responsible for maintenance of said way or portion thereof will expire on a certain date and said way may be laid out as a public way.
18. Prior to the start of construction, a pre-construction conference shall be held. The applicant's engineer and contractor, and the Town Planner, Conservation Agent, Planning Board's consulting engineer and a representative of the DPW, shall attend this conference.

Sincerely,



William Limbacher
Chairman, Planning Board

cc: Tilden Estates LLC
Atty. Michael Hayes
Ross Engineering Co., Inc.
Director, Department of Public Works
Building Commissioner
Conservation Agent

RECEIVED
OFFICE OF THE TOWN ENGINEER
2011 JUN 10 A 9:23
TOWN OF WESTFIELD, MASS.

**AMENDED NARRATIVE & LIST OF WAIVERS ADENDUM
for
TILDEN ESTATES
DEFINITIVE FLEXIBLE OPEN SPACE SUBDIVISION PLAN**

The locus currently consists of a single family dwelling on a substantially wooded 20 acre site. The proposed project consists of a 15 lot subdivision on a single 770'+/- long a cul-de-sac road off the south side of Elm Street. Proposed water, sewer, underground electric, and telephone utilities will be utilized to service the development.

A closed drainage system with a detention basin will be employed to reduce the volume and peak rate of surface water 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 90% TSS from the stormwater. Construction activities will not occur within the Water Resource Protection District.

Based upon the foregoing we, on behalf of the applicant, request the Board grant the following additional waivers that precipitated from the permit process. The following list contains the waiver recommendations found in the March 3, 2011 review letter prepared by Amory Engineers, P.C. as well as a waiver from the amount to be held in escrow for maintenance.

| <u>SECTION</u> | <u>REQUIRED</u> | <u>PROPOSED</u> |
|----------------|---|--|
| 7.2.6.b | Max. Length of Dead End Road Dead End Road: 600' | Length of Dead End Road: 770' to achieve the benefits a FOSD offers. |
| 7.2.3 | Roadway X-Section as Depicted in Appendix B of the regulations. Width=24' | Roadway X-Section as Depicted in the Detail Sheets of the Definitive FOSD Plans to achieve the benefits a FOSD offers. Width=20' |
| 7.2.1.8.a | Granite Curbing throughout the subdivision plan. | Granite Curbing at entrances, CC berms for remainder roadway to preserve the intended quaintness and harmony of the surrounding area. |
| 6.8.6 | Maintenance required: 10% of all construction costs. | Provide 1.5% of all construction costs equaling \$9,420.00, to be rounded up to an even \$10,000.00. |