



TOWN OF AMESBURY

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Bonnijo Kitchin
Town Clerk

Town Hall, 62 Friend Street
Amesbury, MA 01913-2886
Tel: (978) 388-8100
Fax: (978) 388-8150

APPEAL CERTIFICATION

Applicant: Corcoran Brothers Development, Inc
Amesbury, MA 01913

Property: 54 Middle Rd
Amesbury, MA 01913

I hereby certify that 20 days have elapsed from the date this certification was issued and no appeal has been filed in this office.

A true copy. Attest:

Bonnijo Kitchin
Town Clerk,
Amesbury, MA. 30

June 22, 2010
Date

PLANNING BOARD DECISION

Application Type: **a) DEFINITIVE SUBDIVISION;
b) CLUSTER RESIDENTIAL SPECIAL PERMIT and
c) COMMON ACCESS DRIVEWAY SPECIAL PERMIT**

Project: **Definitive Cluster Residential Development at 54 Middle Road,
Amesbury, MA**

Date: **May 10, 2010**

A. BACKGROUND

On or about February 8, 2010, the Planning Board of Amesbury ("Board") received an application for Definitive Subdivision as defined under Chapter 41, Section 81-O and T, Cluster Residential Special Permit under Section XI.D and Common Access Driveway Special Permit under Section XI.O as per requirements under Subdivision Rules and Regulations of the Town of Amesbury and as required under Sections V, VI, XI.D and XI.O of the Amesbury Zoning Bylaw for a three (3) subdivision consisting of single family lots, on an approximately 5 acre parcel located at 54 Middle Road in Amesbury MA. The plans were drawn on 02/02/2010 by Gateway Consultants Inc, 33 Forest Hill Avenue, Lynnfield, MA 01940 last revised on 03/30/2010 and submitted by John Judd, P.E., on behalf of Robert Corcoran, (the "Applicant"). The set of plans include nine (9) sheets.

The Board also received supplemental plans and documents pertaining to stormwater and drainage, erosion control, water and sewer, house plans and landscaping for review.

The Board held the initial public hearing on 03/08/2010 and subsequent public hearings on 4/12/10, and 5/10/10.

The public hearing was closed on May 10, 2010 and a decision was rendered on the application.

This is the Decision of the Board ("Decision").

B. FINDINGS

1. The 4.57 acre project site is shown on Map # 84 Lot # 3. It is owned by the Applicant. The site is located in the R-40 district and requires a minimum lot area of 40,000 sq.ft. There is an existing residential structure on the property that is proposed to be demolished.
2. The proposed cluster residential subdivision plan consists of 3 lots. All the proposed lots shall have access from a proposed access driveway from Middle Road. 75.5% of the subject property shall be deeded as permanently deeded open space and shall be owned and maintained by the Home-owners' Association;
3. All utilities and infrastructure proposed within the subdivision are proposed to be owned and maintained privately. The development proposes to tie into public sewer and water services that already exist in the area. The proposed improvements and infrastructure layout are adequate for serving the proposed lots and would not be a burden on the Town's infrastructure if installed properly and as per approved plans;
4. The proposed layout of the access driveway shall not create undue traffic congestion or impact pedestrian safety on Middle Road. The design of the roadway shall allow for access to emergency and fire response vehicles for public safety purposes;
5. The creation and layout of lots as proposed would require minimal tree clearing on the parcels. The parcel has mature tree line behind the proposed lots and provides a natural environment and vegetative buffer to the residents of the abutting properties. The limit of work is proposed outside of the sensitive environmental resources and the proposed work requires minimal work within the jurisdictional areas. The applicant has also requested waivers from front yard setbacks and frontage requirements to further protect primary resource areas and maintain existing tree lines;
6. A yield plan was submitted with the application showing a three lot conventional subdivision. Using the provisions of section XI.D, a cluster subdivision plan was developed that preserves 70% open space on the subject property. The allowable density remained unchanged. The Board finds that the cluster subdivision plan is superior to the conventional subdivision plan because it reduces the amount of impervious area, preserves most of the mature tree lines, protects the environmental resources areas and allows for the restoration of wetlands on the site. The cluster plan proposes a common driveway to access all the lots and promotes more efficient use of land;

C. WAIVERS

By letter dated February 8, 2010, the Applicant provided the Board with a list of waivers sought from the provisions of Amesbury's Subdivision rules and regulations and the Zoning

Bylaw. The Board has endeavored to grant waivers from those rules and regulations, only to the extent necessary, where the waivers would not threaten public health, safety or welfare and to minimize harm and disruption to the locus and real property abutting the locus. In the event that further waivers are required, the Applicant shall submit a written request for such waiver(s) to the Board and the Board may grant or deny such additional waivers in accordance with applicable rules and regulations in effect at that time.

Section(s) of Subdivision Rules and Regulations or Zoning Bylaw (ZB)	Requested Waiver	Decision of the Board
Section 7.09 G requires curbing to be installed on all roadways	To waive the requirement of curbing along proposed access driveway	Granted to the extent necessary to construct the plan as approved.
Section 7.09 H requires sidewalks on both sides of the roadway and six feet wide grass strips between pavement and sidewalk	To waive the requirement of sidewalks	Granted to the extent necessary to construct the plan as approved.
Section 7.09 K (2)	To allow a circular turnaround capable of providing access for emergency vehicles and buses with a 30ft. wheel base	Granted to the extent necessary to construct the plan as approved.
Section 7.13 requires street lights	To allow three yard lamps in lieu of street lights	Granted to the extent necessary to construct the plan as approved.
Section 8.05 requires sidewalks	To provide no sidewalks	Granted to the extent necessary to construct the plan as approved.
Section 8.10 (1) requires 8" water main	To 6 inch. diameter ductile iron water main	Granted to the extent necessary to construct the plan as approved.
Section XI.D.4 Minimum Lot Area	To waive 5 acre min. lot area for a cluster development and to allow 59.9% of open space area to include wetland area	Granted to the extent necessary to construct the plan as approved.
ZB - Section XI.D.6.b.9. allows the Board to waive the required front yard setback from 25' to 15' to protect or enhance the primary and secondary resource areas.	To reduce the front yard setback, for lots 1, 2, and 3 in order to protect the adjacent wetland resource areas, minimize the amount of impervious area and maximize the amount of open space provided.	Granted to the extent necessary to construct the plan as approved.

D. GRANT OF PERMIT AND CONDITIONS THERETO

With the findings as noted in this Decision from 1 through 6, the waivers granted above and with the conditions of approval as noted in this Decision, the Board finds that the project satisfies the criteria of Amesbury Subdivision Rules and Regulations and the Amesbury Zoning Bylaws.

After public hearing, upon notice in accordance with the statute (General Laws, Chapter 40A, section 11) and the Amesbury Zoning Bylaw, and after full consideration of the evidence presented, and upon the findings made by the Board and hereinafter set forth, a Cluster Residential Special Permit, Common Access Driveway Special Permit and Definitive Subdivision Plan Approval for a three (3) lot subdivision at 54 Middle Road in Amesbury, MA are granted to the Applicant for the premises described in the application, further upon the special conditions that follow:

I. COMPLIANCE WITH LOCAL, STATE AND FEDERAL REQUIREMENTS:

The Subdivision, and all construction, dwelling units, utilities, roads, drainage, earth removal and all related appurtenances with respect to the Subdivision, shall comply with all applicable local, state and federal regulations except as waived specifically by this Decision. The Applicant shall be responsible for acquiring all other local, state and federal permits and approvals as necessary to construct the subdivision as approved by the Board. Final action on all other permits shall be submitted to the Board for record. The Board notes that the following are some of the permits needed for this subdivision:

1. Compliance with the Massachusetts Wetlands Protection Act and related regulations, G. L. c. 131, § 40-40A, and the Amesbury Wetlands Bylaw and Regulations;
2. Compliance with DEP Stormwater Regulations, as needed;
3. NPDES permit from Environmental Protection Agency, as needed;

II. PRIOR TO ENDORSEMENT OF PLANS

1. A written submission shall be made to the Board describing all easements and covenants affecting the use of the subject Amesbury site, referring to such covenants and locating such easements on a site plan. The Applicant also shall submit to the Board any written or recorded instruments granting or agreeing to such easements and covenants. All legal documents pertaining to covenants, conservation restrictions and easements shall be submitted to the Board for review and approval, said restricted areas to be shown on the Plan to be recorded, and restrictions to be noted on such subdivision plan.

2. Permanent Conservation Restriction shall be placed on the Open Space parcel and clearly identified on the approved plans. These areas are to be left in their natural vegetative state with no provisions for site alteration, including but not limited to a prohibition on tree removal, land clearing and site grading of these areas except for forestry management purposes, pedestrian access, stormwater management maintenance and for allowed passive recreational use. Documentation for management and maintenance of such areas shall be submitted to the Board for review and approval;
3. A Stormwater Operations and Maintenance Plan dated 03/31/2010 has been submitted for review and approval by the Board. The final Stormwater Operation and Maintenance Plan shall require review and approval by the Board. The Plan shall include, at a minimum, maintenance during and post construction as well as perpetual maintenance and monitoring of the roadway, roadway infrastructure and drainage systems (routine and seasonal). It shall also include the maintenance of the roof infiltration system of gutters and trenches to be installed on the individual lots. The (O & M) Plan shall bind the Applicant and the Homeowners' Association. The Stormwater (O & M) Plan shall include specific tasks and time lines associated with inspection and maintenance of all proposed stormwater management structural and non-structural measures, a repair and replacement plan for the system with estimated costs as well as identify the owner and party responsible for inspection, operation, maintenance, repair, and replacement including certification of acceptance of legal responsibility for the afore mentioned. All components of the stormwater system located on the subject property shall be privately maintained and shall not be the responsibility of the Town of Amesbury;
4. The stormwater operation and ongoing maintenance plan shall be submitted to the Board along with a certificate from the applicant acknowledging the responsibilities outlined in the Stormwater operation and maintenance plan to be carried out by the applicant or his successors and assignees;
5. Covenant shall be placed on the development disallowing ability to start construction until the performance and erosion control bonds have been established with the Planning Board;
6. A covenant in a form acceptable to the Board shall be required restricting the request for an occupancy permit for any lot until such time as all the components of the Low Impact Development stormwater system are fully installed, constructed and operational on site. The applicant shall be allowed to obtain a building permit and construct dwellings prior to the completion of the access roadway as per the rules and regulations. However, for the health, safety and welfare of the future inhabitants of subdivision, the Board shall not allow the occupancy of these units until such time that there is adequate and safe access for vehicles including emergency vehicles, to the property and that there are no issues concerning public health and welfare;

7. The following notes shall be added to the Subdivision Plans that will be endorsed and recorded:
 - a. Note referencing the Board's Decision with date;
 - b. A note shall be placed on each pertinent sheet of the plans stating that the subdivision has received approval from the Board and that the common driveway within the subdivision, conform to the standards and requirements of the Amesbury Subdivision Rules and Regulations except as waived by this Decision;
 - c. No further subdivision of any parcel, changes to the number of residential lots or Common Open Space areas, the lot configuration or lot lines except as shown on the recorded plans shall occur without a further submission of plans to the Board for approval and a notation to this effect shall appear upon the recorded plans and upon any deeds to any property within the subdivision; and
 - d. The proposed development is subject to an Order of Conditions and has a DEP File Number 002-1011
8. Copy of this Decision as recorded at the Essex Registry of Deeds shall be submitted to the Board;
9. Three copies of all drawings and site plans as approved by Board shall be provided as Computer Assisted Drawings (CAD) on Compact Disks to the Board;
10. Compliance, to the greatest extent possible, with Municipal Mapping Requirements as per attached requirements (see Exhibit A) should be submitted to the Planning Office and approved by the Engineering Department;
11. All conditions of approval shall be noted on the set of plans approved by the Board;

III. PRIOR TO START OF CONSTRUCTION

Not later than the date on which the first request for release of lots from covenant is filed, and before any building permit is issued, the Applicant shall file with the Board and all other relevant public agencies for review and for consistency with this Decision any documents and shall have completed the following actions:

1. Documentation and proof of recording of all legal documents, including but not limited to, Homeowner's Association By-laws; master trust, covenants, conservation restrictions, Open Space Use and Management Plan and access and drainage easements, said restricted areas to be shown on the Recorded Plan, and restrictions to be noted on such subdivision plan. The Applicant should have executed and caused to

be recorded at the Essex South District Registry of Deeds the above referenced legal documents.

2. Copy of the set of approved subdivision plans, signed by the Town Clerk and recorded at the Essex Registry of Deeds shall be submitted to the Board;
3. The applicant shall be required to post a surety for sedimentation and erosion control to ensure that all drainage and erosion control measures are carried out on site as per the approved site plans and other engineering drawings;
4. The applicant shall be required to post a performance guarantee in a form and amount acceptable to the Board to ensure that all public utility, infrastructure and site improvements, including but not limited to access driveway, and utilities on the recorded subdivision plan are installed without any detriment to public health, nuisance or safety hazard. Further it shall be the responsibility of the Applicant to ensure that any construction related damage to adjacent roads is repaired by the Applicant in a manner satisfactory to the Board and Town Engineer. This performance guarantee is to be received by the Board prior to the commencement of any of the improvements approved in the Plan and will be required until the Board decides that the Applicant has completed all of the improvements as per recorded plans. The form of the performance guarantee, adequacy and or amount shall be reviewed and approved by the Board;
5. The Applicant shall meet with both the Engineering and Department of Public Works (DPW) to finalize all details associated with connections to existing municipal utilities. Service stub locations and connection locations should be coordinated with, and approved by, the Town Engineer;
6. The Applicant shall confirm with the Town Engineer and DPW Director that adequate municipal service (i.e. sewer capacity, water pressure/flow) is available for the project;
7. At least forty-eight (48) hours prior to any initial site work, a pre-construction meeting shall be held with the Applicant, Applicant's contractor, a representative of the Board, its consulting engineer, and representatives of the town departments having an interest in the plan. Said meeting shall be for the purpose of familiarization with the project, the conditions of approval, and the project's construction sequence and timetable;

IV. PRIOR TO MAKING APPLICATION FOR BUILDING PERMIT

Not later than the date on which the first request for a building permit is filed, and before any building permit is issued, the Applicant shall file with the Board and all other relevant public agencies for review and for consistency with this Decision any documents and shall have completed the following actions:

1. The site shall be stabilized and driveway construction shall be completed to the satisfaction of the Board's consultant to ensure emergency access for public safety prior to issuance of building permit for any of the proposed new structures shown on the approved plan. The gravel base for the driveway shall be prepared as per engineering standards and the binder course shall be required prior to issuance of any occupancy permit;
2. Consistent with the proposed house designs and as shown on sheet 9 of the approved plan set, the Applicant shall provide the Board with a set of drawing of residential structures for architectural review and approval by the Board or the Town Planner and to establish compliance with the design criteria approved by the Board;
3. Bio-retention basins, swales and sediment forebays shall be substantially completed (and confirmed as such by submission of an as-built plan and report from a Registered Professional Engineer) prior to issue of building permit for any lot served by either of the proposed access roadways; and
4. The applicant or their successors shall provide the Building Inspector with the form attached with this decision completed and signed off by each of the Town officials listed on that form (PB200601-BUILDING);

V. DURING CONSTRUCTION

1. All earth stockpiles shall be established in locations greater than fifty (50') feet from the wetlands as approved by the Board or its designee. Earth material stockpiles shall not be allowed immediately adjacent to perimeter siltation barriers or drain inlets. Long term stockpiles over 30 days shall be shaped stabilized and circled by siltation fence and haybales and shall be stabilized by temporary seeding, sheeting or netting;
2. Utility trenches within the public Right of Way shall be saw-cut prior to excavation. Open trenches shall be backfilled with bank gravel and compacted to 95%. Trenches shall be paved with asphalt binder to a minimum depth of three (3) inches and overlaid curb to curb on Middle Road to a minimum depth of one and half (1.5) inches. Water service trenches shall be infrared joint paved. The Director of DPW and the Town Engineer shall have the final signoff on the right of way improvements and any change to these standards or those shown on approved plans shall be subject to their review and approval ;
3. During any construction except within the individual building envelopes, the Applicant and its agents and employees shall conform to all local, state and federal laws regarding noise, vibration, dust and use of City roads and utilities. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area and maintain safe and adequate vehicular access on Middle Road. Construction shall not commence on any day Monday through Saturday before 7:00

AM. Construction activities shall cease by 6:00 PM Monday through Friday and by Noon on Saturday. No construction or activity whatsoever (except for interior finishing) shall take place on Sunday; and

4. The applicant shall, if needed, pay for any police details associated with construction on the site along Middle Road;

VI. PRIOR TO ISSUE OF OCCUPANCY PERMIT

1. All off-site infrastructure improvements and on-site stormwater drainage system shall be completed as per recorded plans prior to issuance of any occupancy permit. The Town Engineer and DPW Director shall review the finished construction of all utilities to insure that all municipal structures located within the public right of way are adjusted to appropriate finished grade, and are adequately accessible for future maintenance;
2. All site improvements, including landscaping and street trees shall be completed and installed as per approved plans prior to the issuance of the last occupancy permit. All proposed trees shall be placed in position or staked out for approval by the Board prior to digging;
3. The applicant or their successors shall provide the Building Inspector with the form attached with this decision completed and signed off by each of the Town officials listed on that form (PB200602-OCCUPANCY);

VII. IN PERPETUITY

1. The Planning Board shall require the inspection of utility layout and construction, roadway construction, drainage and stormwater management system to ensure that the work is carried out in accordance with the approved site plan and to ensure that all improvements are in compliance with the conditions of the subdivision approval for this project. The Board shall require the establishment of a construction observation account and the Applicant shall provide the funds necessary for inspection by the Board's consultant;
2. The Homeowners' Association shall be responsible for the maintenance, operation and repair of the Stormwater management system within the boundaries of the said project and the stormwater operation and maintenance plan shall be outlined in the Homeowners' Association Documents. This shall include any and all systems such as drainage channels, grass swales, culverts, sediment forebay and bio-retention basins and associated systems. In addition, each individual homeowner shall be responsible for the roof top infiltration system and accompanying gutters and piping installations for the proper functioning of the proposed roof infiltration system on individual lots;

3. The proposed access roadway in the development shall remain a private way. The Town of Amesbury shall not be required to provide construction, reconstruction, maintenance, snowplowing, trash collection and pickup, school pickup or police patrols along the proposed roadways. At no time shall the roadway become a liability of the Town of Amesbury. This condition shall be incorporated into all the legal documents for the Homeowners' Association and shall also be recorded in the form of a Covenant;
4. To ensure compliance with the terms and conditions of this Decision and any approval or order by any federal, state-agency, the Applicant shall submit plans with a certification from a Professional Engineer or Architect registered in the Commonwealth of Massachusetts that the Project "As-Built Plan" complies in all substantive respects with this Decision and any other approval or order by any federal, state or local agency. Progress as-built plans may be submitted for the extent of roadway and associated infrastructure serving those dwellings for which certificates of occupancy are sought. Any damage to public roads and walkways shall be repaired and/or replaced to the satisfaction of the DPW Director and Town Engineer;
5. The Applicant has indicated that a Notice of Intent has been filed with the Amesbury Conservation Commission. The Order of Conditions, if issued, by the Amesbury Conservation Commission shall be carried out to the satisfaction of the Commission or its agents;
6. Except as waived by this Decision or a decision of the Amesbury Conservation Commission, the construction of this subdivision shall comply with the Amesbury Wetlands Bylaw and Amesbury Conservation Commission Regulations in effect at the time any building permit is sought for a dwelling unit or for any jurisdiction for roadway-associated construction, and with all rules, regulations, filing and permit requirements and certifications of the Amesbury Conservation Commission with respect to natural resource protection, construction of storm water management structures within the Buffer zone and their disposal, construction of other structures including retaining walls within the Buffer Zone, and wastewater disposal.
7. The proposed work shall comply with the "Order of Conditions" issued by the Amesbury Conservation Commission upon the said premises. The Order of Conditions from the Amesbury Conservation Commission shall be carried out to the satisfaction of the Commission. Any violation of the Order of Conditions issued by the Conservation Commission shall be deemed to be a violation of this Special Permit, with all remedies to the Town of Amesbury as provided by law;
8. Final release of performance bonds shall not be made until all covered work has been constructed as per approved plans. Any surety deposits shall be released upon completion of the associated work and to the satisfaction of the Board;

9. Any portion of the utility infrastructure or stormwater management system located on the subject property shall be maintained by the the Homeowners' Association and shall be so indicated in the Homeowners' Association legal documents;
10. The Applicant, in an effort to confirm that the roof recharge is properly implemented and maintained, shall:
 - a. Include notation in the Homeowner's Association documents that for each single family house, gutters and the infiltration trenches will be properly maintained (i.e.: routinely inspected and repaired) to insure proper operation. If not functioning properly, the homeowner shall repair/replace said system;
 - b. During the construction process, notify the Planning Board and its inspecting engineer as well as the design engineer when and where the infiltration trenches are located and constructed prior to being installed. The purpose of the notification is to provide the Town with the ability to verify proper construction;
 - c. An "as-built" or "record conditions" plan of the infiltration trenches and associated piping installation shall be provided by the Developer to both the Planning Board and the future homeowner prior to the issuance of an occupancy permit;
11. All open space areas identified on the recorded subdivision plan shall have a permanent conservation restriction and shall be owned and maintained by the Home-owners' Association. These areas are to be left in their natural vegetative state with no provisions for site alteration, including but not limited to a prohibition on tree removal, land clearing and site grading of these areas except for forestry management purposes, pedestrian access, stormwater management maintenance and for allowed passive recreational use. Documentation for management and maintenance of such areas shall be submitted to the Board for review and approval prior to start of construction on any lot;
12. All HVAC units located at grade shall each be screened with three evergreens initially at 3 feet in height from approved grade and located to the side or rear of the structures to be built;
13. No signage identifying the subdivision has been proposed. Any signage, if proposed, shall be subject to review and approval of the Board as per local zoning provisions in existence at that time;
14. No further subdivision of the property or creation of new dwelling units shall be allowed. No construction or reconstruction except as shown on the recorded plan shall occur without a further submission of plans to the Planning Board and a notation to this effect shall appear upon the recorded plan and upon any deeds to any property within the subdivision;

15. Any change to the subdivision plans or conditions of approval, including, but not limited to, landscaping plan, architectural design criteria and approved building construction materials, site improvements and finishes or to any recorded legal documents shall only be allowed after review and approval by the Planning Board; Substantive revisions to the recorded plans, such as relocation (except relocation within the building “envelopes” as proposed) or deletion of dwellings or lots (except as specified in this Decision), relocations of more than one property line, relocation of the right of way or other substantive changes from the recorded plans shall not be permitted without the written approval of the Board;
16. Except as waived specifically in the Decision, the development of this Project, including the construction of all dwelling units, utilities, roads, drainage structures and other appurtenances, shall comply with the Amesbury Subdivision Rules and Regulations and Zoning By-Law in effect at the time of this Decision; The Applicant or their assignees shall make a request in writing to the Board for any additional waivers that may be needed to construct this subdivision as per this Decision;
17. The cluster subdivision road and all associated improvements shall be completed within three years of recording of the Board’s decision. By the Board’s written approval, this may be extended by no more than a period of one (1) year beyond the three year period;
18. Design Guidelines: The dwelling units and structures (fences, walls, and similar structures) shall meet the criteria set forth and outlined below. This condition shall also be noted in the pertinent legal documents, including individual deeds and the Declaration of Homeowners Trust:
 - a) Building Design: The following design standards shall apply:
 - i. The houses will have a maximum of four (4) steps to the front door or porch;
 - ii. Foundations should have a limit of twelve (12) to eighteen (18) inches of exposed poured concrete or, if higher, be covered with masonry veneer such as stone, brick or granite or pre-cast materials having similar appearance;
 - iii. No blank walls shall be visible from the street more than twelve (12) feet in width, excluding chimneys;
 - iv. Front steps and/or porches are to be integral with the house structure. Pressure treated wood or “Prefab” front steps are not allowed;
 - b) Siding Materials: Only wood shingles, wood lap siding, or masonry shall be used. Fiber-cement siding materials such as HardiPlank or CertainTeed’s Weatherboards may be substituted. Vinyl, aluminum and steel siding are specifically prohibited.
 - c) Roofing Materials: Only “architectural” or slateline” asphalt, real red cedar, slate, or rubber slate will be permitted. Porches may incorporate copper or metal as long as it does not represent more than 20% of the total roofing area. Plumbing vent pipes shall

not be located on any front-facing surface of the roof and shall have a color that will blend in with the color of the roofing material;

- d) Windows: Window caps or crowns may be capped with copper, lead and metal. Windows on the façade and sides of all structures shall have grilles installed or be “true divided light”, and shall fit the architectural style of each home.
- e) Chimneys: All chimneys shall be made of brick or stone masonry work, or be of cultured stone veneer. Wooden “chases” are not permitted; however, direct vent are permitted provided they do not exit through the front wall.
- f) Exterior Trim/Porches: Articulated trim details for the windows, fascia, rakes, corner boards and porches shall be in keeping with the architectural style of each home. Porches will use upgraded decking and balustrade materials such as edge grain fir, mahogany, teak, redwood, or cedar. Trex decking or the like will not be permitted on front porches, but may be used for rear decks. Pressure treated wood may be used for framing, but shall not be left exposed;
- g) Rear Decks/Patios: As with front porches, upgraded trim details will be incorporated, and no exposed pressure treated wood will be allowed. With the exception of patios beneath, spaces below deck areas will be landscaped and enclosed with lattice work which will finished with stain or paint or be of low-maintenance vinyl. Patios will be made from brick, stone, or unit pavers. Unfinished concrete patios will not be permitted;
- h) Landscaping: Landscaping shall include a minimum of two (2) trees (having a minimum of 2.5 – 3” caliper) and 20 shrubs planted on each lot. .
- i) Retaining walls: Retaining walls shall be made from stone or brick and shall not be made from interlocking concrete block (which have a commercial appearance), unless they are of the “tumbled” or stressed” type (which resemble cobblestone or granite) and are approved by the Town Planner prior to development work is done and all lots are conveyed;
- j) Fences: To maintain consistency in the development, any fences along the proposed access road shall be consistent throughout and shall be an open post and rail style no higher than 30” high. All other fences, if visible from the roadway or a private lot, shall be no more than forty-two (42) inches above the ground immediately beneath it and shall be of iron or aluminum (resembling traditional iron) and must be painted in black, charcoal or dark green. Chain link and stockade fences are not permitted.
- k) Two bay garages shall have individual doors for each bay. Garage doors shall have transom light. Detached or semi-attached garages are preferred. To mitigate the visual impact of front entry attached garages, the garage shall not be the forward most element of the house façade. The attached garage shall be setback such that the garage

wall with garage doors is at least twelve (12) feet from the main façade along the front yard i.e., the footprint of some portion of the main façade towards the front yard other than the garage shall extend beyond a horizontal line drawn along the footprint of the garage by eight feet.

Chair, Amesbury Planning Board

TO:

Robert Corcoran

9 Whitney Road

Boxford, MA 01921

PLANNING BOARD VOTE:

On May 10, 2010, the Amesbury Planning Board voted 5 in favor of the three (3) Lot Residential Cluster and Definitive Subdivision at 54 Middle Road, Amesbury subject to the findings, waivers and conditions noted in this Decision.

The following members of the Amesbury Planning Board voted on this Decision:

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

Filed with the Town Clerk on May 25, 2010

[Signature]
Town Clerk

A building permit is required for any construction remodeling. It is your responsibility to file this Decision with the Registry of Deeds and to record the plans after endorsement; forms may be obtained from the Town Clerk's Office.

Any appeal shall be made pursuant to Section 17, Chapter 40A, M.G.L. and shall be filed within twenty (20) days after the date of filing of such notice in the office of the Town Clerk's Office.

**Compliance with Conditions Set Forth by the Amesbury Planning Board Decision
prior to Issuance of a Building Permit**

SIGN-OFF FORM (PB200601-BUILDING)

(IMPORTANT: IT IS THE RESPONSIBILITY OF THE PERSON SEEKING BUILDING PERMIT TO GET THE SIGN OFF FROM EACH OF THE DEPARTMENTS LISTED BELOW. THE TOWN WILL NOT BE HELD RESPONSIBLE FOR LACK OF ACTION ON THE APPLICANT'S BEHALF. BEFORE SIGNOFF, COPIES OF THE RECORDED DECISION AND THE APPROVED PLAN SET SHOULD BE SUBMITTED TO THE PLANNING OFFICE.)

By signing below, the following Town Department/Town Officials, agree that the conditions of this permit prior to making application for building permit have been completed and recommend that an application for a building permit for the units indicated below may be granted:

Engineering Department/Town Engineer _____

Department of Public Works/DPW Director _____

Planning Office/Town Planner _____

Conservation Commission/Agent _____

Police Department _____

Fire Department _____

**Compliance with Conditions of the Amesbury Planning Board Decision prior to
Issue of Certificate of Occupancy**

SIGN-OFF FORM (PB200602-OCCUPANCY)

(IMPORTANT: IT IS THE RESPONSIBILITY OF THE PERSON SEEKING CERTIFICATE OF OCCUPANCY TO GET THE SIGN OFF FROM EACH OF THESE DEPARTMENTS. THE TOWN WILL NOT BE HELD RESPONSIBLE FOR LACK OF ACTION ON THAT PERSON'S BEHALF)

The following Town Department/Town Officials, by signing below, agree that the conditions of this permit from the start of construction to prior to issue of occupancy permit have been completed and recommend that the Certificate of Occupancy be granted for the units indicated on this form.

Engineering Department/Town Engineer _____

Department of Public Works/DPW Director _____

Planning Office/Town Planner _____

Conservation Commission/Agent _____

Police Department _____

Fire Department _____

EXHIBIT A

NOTE:

1. **PRIOR TO FINAL APPROVAL BY THE PLANNING BOARD, THE APPLICANT SHALL SUBMIT TWO COPIES OF THE APPROVED VERSION OF THE SITE OR DEFINITIVE SUBDIVISION PLAN IN A DIGITAL FORMAT. FAILURE TO SUBMIT SUCH DIGITAL PLANS TO THE PLANNING BOARD AND TO OBTAIN A COMPLIANCE LETTER MAY BE CAUSE FOR THE PLANNING BOARD TO NOT ENDORSE SAID PLAN.**
2. **A LETTER FROM THE PLANNING BOARD VERIFYING RECEIPT OF ELECTRONIC FILES AND COMPLIANCE WITH PLANNING BOARD STANDARDS SHALL BE SUBMITTED TO THE APPLICANT WITHIN TEN (10) WORKING DAYS.**
3. **THE PLANNING BOARD WILL REVIEW AND VERIFY THE INTEGRITY OF THE DATA SUBMITTED WITHIN THIRTY (30) WORKING DAYS.**

MUNICIPAL MAPPING –DIGITAL DATA SUBMISSION REQUIREMENTS

The following requirements apply to the submission of site or subdivision plans as well as for plans and as-built drawings for infrastructure projects (water/sewer installation or repair, road work, and other capital improvements).

1. All plans and specifications must be submitted on electronic media (3.5" floppy or CD_ROM using an IBM-PC or compatible file format). Acceptable file formats include: AutoCAD *.dwg, AutoCAD *.dxf, ArcView *.shp, ArcInfo *.E00. The files must be identical to the printed plan and contain all information included on the written plan. Upon project completion a digital submission of the "as-built" plan is required for final release of the performance bond associated with any project.
2. All digital mapping data must be delivered in the Massachusetts State Plane Coordinate system with a horizontal datum of NAD83 and vertical datum of NGVD88. Each plan must include a minimum of one survey-derived (bearings & distances listed) reference to a permanent in-ground feature such as a catch basin, manhole, stone bound, municipal benchmark or other readily identifiable marker. The permanent in-ground feature should appear on the plan in its' as-built location and include sufficient bearings and distances to be able to locate the feature relative to the property parcel(s). The latitude and longitude of the in-ground feature must be provided with accuracy of plus or minus one foot. Where possible all bearings and distances should be adjusted for true north OR the applicant shall provide a listing of the number of degrees, minutes, and seconds of deviation between true north and magnetic north. If necessary data will be

- accepted in NAD27 or WGS84 coordinate systems using the aforementioned specifications.
3. Each feature type must be organized in the CAD or GIS data structure as a separate layer. For example, there must be separate CAD layers for buildings, roads, road centerlines, surface water, wetlands, etc. Having all these features in a single CAD layer or GIS file will not be accepted.
 4. CAD data may be tiled on paper, PDF or other form of digital output as individual sheets for improved readability, but plans should be derived from a single master drawing. All data will be topologically clean, meaning that polygons are closed (no overshoots or undershoots) and lines connect at nodes. Features that naturally connect such as driveways to roads must connect seamlessly. All text in AutoCAD files will appear on top of other features and will be in separate annotation layer. Features under text should not be erased or 'broken' in order to make the text clearer.
 5. Documentation of the data format must be provided with a description of the CAD layers and list of the types of features placed in each layer. Submission of multiple files must also include a list of the files and their purpose.
 6. Attributes or databases that are included in mapping files must have a definition of the meaning of each field as well as a definition of any values used in each field. Features that contain an elevation component (z-value) must have that elevation value within the attribute data.
 7. The data submitted must include documentation on the method used to gather the data, the name of the person(s) responsible for preparing the data, contact information, an estimation of the horizontal and vertical accuracy, and the date of data capture. All media shall be free from any and all defects and viruses, and labeled as to their contents.