

# Town of Georgetown



**PLANNING BOARD**  
1 LIBRARY STREET  
GEORGETOWN, MA 01833

TEL. (978) 352-5713

## NOTICE OF DECISION APPROVAL of an OSRD SITE PLAN

7 NOVEMBER, 2018

Mr. James Mullen, Jr.  
Interim Town Clerk  
Georgetown Memorial Town Hall  
1 Library Street  
Georgetown, MA 01883

2018 DEC 13 PM 10:10  
RECEIVED  
TOWN CLERK  
GEORGETOWN, MA

**Re: OSRD Site Plan Application for Parish Commons, 66 Parish Road, Map 20, Lot 1.**

**Date of Public Hearings:** 12 September, 2018, 10 October, 2018, 7 November, 2018  
**Petition of**(hereinafter Livingstone Development Corp.  
referred to as the PO Box 50.  
Applicant): Tewksbury, MA 018876

**Approved Site Plan-of-Record:** "Parish Common Site Plan of Land in Georgetown  
Massachusetts 66 Parish Road (Assessor's Map 20, Lot 1)  
Prepared for Livingstone Development Corporation dated  
June 12, 2018, revised through October 30, 2018"  
consisting of Sheets C-1 thru C-6, Sheet L-1 and Sheets D-  
1 thru D-4.

**Premises affected:** 66 Parish Road shown on the Town Assessor's Map 20, as Lot 1.

Dear Mr. Mullen:

Referring to the above petition for an Open Space Residential Development (OSRD) Site Plan Approval at 66 Parish Road, the application was determined to be complete and was noticed and reviewed in accordance with Town of Georgetown §165, Zoning Bylaws.

**ORIGINAL** 1

So as to allow for the construction of ten (10) detached single family dwelling units in accordance with an OSRD Special Permit granted by the Georgetown Planning Board on February 28, 2018.

After a public hearing held on the above dates, the Planning Board voted to APPROVE the OSRD Site Plan based upon the conditions attached herein.

Signed: \_\_\_\_\_  
John Cashell, Town Planner

## **I. APPROVAL**

The Planning Board, by unanimous vote, hereby **APPROVES** the Parish Commons OSRD Site Plan for the construction of ten (10) detached single family dwelling units and construction of a new private access driveway in accordance with an OSRD Special Permit granted by the Georgetown Planning Board on February 28, 2018, recorded in the Southern Essex Registry of Deeds in Book 36777, Page 215. The subject application for OSRD Site Plan Approval was submitted by Livingstone Development Corp. on June 13, 2018.

The Application was determined to be complete and was noticed and reviewed in accordance with ARTICLE VII – Open Space Residential Development §165-47 thru §165-59 and article XIII Section 165-83 of the Georgetown Zoning Bylaw. The area to be affected is located at 66 Parish Road, Georgetown, MA in the Residence B (RB) Zoning District and shown on Town Assessor's Map 20, as Lot 1, consisting of approx.40.24 acres.

## **II. FINDINGS OF FACT:**

The Planning Board makes the following findings as required by the Georgetown Code Chapter §165-83:

1. Location of the proposed OSRD Site Plan and associated site improvement features (i.e., the construction of 10 new single-family dwellings and construction of a new private access driveway, are properly located on the development parcel.
2. Adjacent properties are protected from nuisance caused by noise, fumes and glare of lights, and from detracting visual features.
3. Unique man-made features, such as walls, and significant natural features, e.g. trees, wooded areas, wildlife habitats and other areas of aesthetic and ecological interest, on the site are preserved as much as possible.
4. Adequate parking, loading facilities, drainage and methods of solid waste disposal are provided on-site.
5. Pedestrian ways, access driveways, loading and parking facilities are properly designed and



operated for public convenience and safety.

6. The project, as approved, maintains the village like character of the Town by considering the architectural style and its' relation to the prevailing character and scale of buildings in the neighborhood; the proposed buildings and site improvements shall relate harmoniously with the surrounding area.
7. Water resources are protected from depletion and contamination including drinking water supplies, watershed protection land, aquifers and Parker River.
8. The OSRD Site Plan substantially complies with the OSRD **Concept** Plan and Special Permit conditions under the OSRD Special Permit granted by the Georgetown Planning Board on February 28, 2018.

### III. CONDITIONS

The Planning Board grants OSRD Site Plan Approval subject to the following conditions:

1. The name of the OSRD development shall be Parish Common.
2. The Applicant shall cause the parcel of land shown as "Future Open Space Parcel (Area 33.48 acres)" on the Plan to be created by submission of a Form A Plan (Approval Not Required Plan) for endorsement by the Planning Board creating the Open Space Parcel containing 33.48 acres and the development lot containing 6.7 acres.
3. Acceptance by the Town of Georgetown of the Applicant's gift of the Open Space Parcel shown as Future Open Space Parcel (Area 33.48 acres). Said Open Space Parcel shall be proffered by deed to the Georgetown Conservation Commission prior to the Occupancy Permit being issued for the first single-family dwelling unit of this development. For Town acceptance and recording purposes, the Applicant shall provide to the Planning Office executed copies of the Deed to the Georgetown Conservation Commission of the Open Space Parcel.
4. As shown on the Plan, the Applicant to provide a gravel parking area on the Open Space Parcel and a pedestrian path shown as "Prop. Open Space access trail on the Plan leading to and through the Open Space Parcel for the benefit of the Town and its' residents. The Applicant shall also provide a pedestrian access path from the development lot with gate to prevent vehicular access for access to the Open Space Parcel by the residents of the Parish Common OSRD development.
5. The ten dwelling units shown on the Plan shall be a condominium form of ownership, and the access driveway for the Parish Common OSRD development is and shall remain a private driveway to be maintained by the condominium association and shall not be considered a public way.

6. Prior to the issuance of the first Occupancy Permit for the Parish Common OSRD development, the Applicant shall submit the condominium documents including the Master Deed and Declaration of Trust for the OSRD development; the Condominium Documents shall include the following:
  - a. Acknowledgement that the access driveway is a private driveway and not a public way; all maintenance of the driveway including snow plowing, repair, repaving shall be the responsibility of the Condominium Association
  - b. The condominium association shall maintain all landscaping shown on the Plan in good condition. The condominium association shall be responsible for the native meadow restoration and invasive species management areas as required under the document entitled: Operation and Maintenance Manual/Parish Estates Invasive Species Removal Area within Bordering Vegetative Wetland and the Order of Conditions issued by the Conservation Commission and any continuing conditions imposed thereunder.
  - c. The condominium association shall maintain the on-site soil absorption system (septic system) in accordance with the design and maintenance protocols approved by the Georgetown Board of Health.
  - d. The condominium association shall maintain the stormwater management system in accordance with the "Long Term Stormwater Best Management Practices Operation and Maintenance Plan for Parish Common 66 Parish Road Georgetown, Massachusetts Issued June 12, 2018, revised October 30, 2018."
  - e. The condominium documents shall include as an Exhibit to the Master Deed the OSRD Special Permit issued on February 28, 2018, recorded in the Southern Essex Registry of Deeds in Book 36777, Page 215 and this OSRD Site Plan Approval

NOTE: The condominium documents shall be reviewed and approved by Town Counsel.

7. The Applicant shall coordinate with the Georgetown Highway Department and the Town of Newbury for the reconstruction of the culvert located on Parish/Larkin Road as shown on the submitted culvert reconstruction plans. Construction shall be completed to the satisfaction of the Georgetown Highway Department prior to the issuance of the first Occupancy Permit for the Parish Common OSRD development.
8. All infrastructure improvements, including but not limited to, road and intersection construction, monuments, water service, stormwater drainage & treatment structures, walls, utility poles & street lights, tree plantings, turnarounds, etc. shall be constructed/installed as shown on the Plan.
9. Construction fencing: Prior to the start of work, construction fencing or flagging shall be erected around the "Proposed Limit of Clearing", as depicted on the Plan. Said fencing shall be maintained throughout the construction period.



## OTHER CONDITIONS:

- a) The Site Plan must be issued on mylar, the Planning Board shall forward one copy of the approved Site Plan to the building inspector.
- b) Occupancy Permits for individual dwelling units may be issued provided there has been establishment of a surety, determined sufficient by the board to ensure the completion of access driveway, utility installation and all unfinished Site Work shown on the Plan in its entirety or as otherwise determined by the board sufficient for individual dwelling unit conveyance purposes.
- c) A paper copy set of the signed and recorded Plan and other plans requested by the Planning Board (if any) shall be delivered to the Planning Office

### **1. Prior to the start of and during construction:**

- a) A preconstruction conference shall be held with the General Contractor, Applicant, Town Planner, Technical Review Agent (TRA), Site Inspecting Engineer (SIE), Highway Surveyor and available Planning Board members.
- b) After the pre-construction meeting all site inspection scheduling will be done through the SIE. It will be the responsibility of the contractor to contact the SIE and arrange a mutually agreeable schedule. The SIE shall make every effort to inspect sites when active. Inspections at inactive sites shall only be via the approval of the Town Planner.
- c) The site must comply with applicable State Fire and Building Codes.
- d) Prior to commencement of any site work, erosion control elements (e.g. stake haybales, straw tubes, etc.) shall be in-place and approved by the Town of Georgetown SIE Note: erosion control is to be maintained in accordance with approved Erosion Control Program. The SIE will make weekly inspections during active periods of construction to confirm that erosion control has been maintained.
- e) The SIE will make periodic site visits during stripping, cut and fill.
- f) Onsite burial or dumping of stumps, woody debris, boulders or construction material is prohibited.
- g) The SIE shall perform daily site visits as scheduled, required or requested by the Planning Board during the active installation of utilities (i.e., water and stormwater drainage elements).
- h) Location of the proposed electric trenches shall be checked for horizontal and vertical requirements. The contractor shall provide an instrument and assistant to aid the SIE, relative to confirming compliance with approved Plan.

- i) The SIE shall provide the Board with a monthly summary of construction activity, and shall also provide the Board a monthly Master Detailed Invoice Table (MDIT), summarizing of construction-related activities on the project, the hours allocated to each activity and the responsible party used for the inspection service. All items listed on the MDIT shall also be accompanied with a copy of the Construction Observer's Daily Report. The level of detail on said reports shall be commensurate with the level of effort for each task listed on the MDIT. The table shall clearly indicate the employee from the Site Inspecting Engineer was responsible for each line item on the MDIT: If more than one employee was involved in the specific task then all employees shall be listed as separate items with hours and sub-tasks.
- j) In connection with the construction of the site, as approved, dirt, wood, construction material, etc. must be shown on a Plan and reviewed and approved by Planning Staff. Any approved piles of said materials must remain covered at all times, relative to minimizing any dust problems that may occur with adjacent properties.
- k) During construction, the entire development site must be kept clean.
- l) The hours for construction shall be limited to between 7:00 a.m. and 7:00 p.m. Monday through Saturday only.
- m) The Contractor shall contact Dig Safe at least 72 hours prior to commencing any excavation.
- n) Utilities and municipal services shall be installed underground as required and specified by the respective utility companies, except as otherwise noted on the Plan.
- o) The landscaping shown on the Plan, shall be completed prior to the issuance of the final single-family dwelling (tent) Certificate of Occupancy (CO), and shall be warrantied for a period of 1-year after the issuance date of said CO.
- p) All erosion control measures as shown on the plan and outlined in the erosion control plan must be in place and reviewed by the Subdivision Inspector.
- q) The Applicant shall be responsible for contacting the SIE at each phase of work.
- r) Snow removal during construction is the responsibility of the Applicant.
- s) Dust mitigation and roadway cleaning must be performed weekly, or as deemed necessary by the Town Planner, Highway Surveyor and/or SIE, throughout the construction process.
- t) Street sweeping must be performed, at least once per month, throughout the construction process, or more frequently as directed by the Town Planner, Highway Surveyor and/or SIE.



- u) As requested by the Board, the SIE shall provide final site visits, relative to preparing "punch lists" and to verify that construction matches the "As-Built" Plans.
- v) This decision is based on the condition that no more single family homes will be constructed on the land than are shown on the approved plan.
- w) The Town Planner will review any signs utilized for this project. The Applicant must obtain a sign permit as required by the Bylaw. The Planning Board shall approve any entrance structures.
- x) Gas, Telephone, Cable, and Electric utilities shall be installed as specified by the respective utility companies.
- y) Any action by a Town Board, Commission, or Department which requires changes in the driveway alignment, placement of any easements or utilities, drainage facilities, grading or no cut lines, may be subject to modification approval by the Planning Board.
- z) The provisions of this conditional approval shall apply to and be binding upon the Applicant, its employees and all successors and assigns in interest or control.
- aa) The Town Planner and/or SIE may approve any insubstantial change to the above-referenced Plan. Any changes deemed substantial by the Town Planner and/or the SIE shall be presented to the Planning Board for its determination of whether such changes would merit a public hearing or meeting, and/or formal modification of this decision.

**2. Prior to Planning Department sign-off on any BUILDING PERMIT:**

- a) The Applicant shall provide a Project Contact List with updates, as necessary, listing: names, addresses and phone numbers of all parties associated with the design and construction of the project.
- b) A copy of the approved Board of Health septic system plan must be provided to the Planning Office.

**3. Prior to any Occupancy Permits being issued:**

- a) A Performance Security in an amount to be determined by the Applicant and approved by the Planning Board shall be posted to ensure completion of the site work in accordance with the Plan. The surety must be a form acceptable to the Georgetown Planning Board. Items covered by the surety may include, but shall not be limited to:
  - i) as-built drawings
  - ii) utilities
  - iii) roadway construction and maintenance
  - iv) lot and site erosion control

- v) site screening and street trees
- vi) drainage facilities
- vii) site restoration
- viii) final site cleanup

**4. Prior to a Certificate of Occupancy being requested for an individual dwellings, the following shall be required:**

- a) Permanent dwelling unit number must be posted on the dwelling and be visible from the road.

**5. Prior to the final release of security retained for the site by the Town, the following shall be completed by the Applicant:**

- a) The Applicant shall ensure that all Planning, Board of Health and Highway Department requirements are satisfied and that construction was in strict compliance with the approved Plan and all aforementioned conditions.

**6. Special Conditions:**

- a) This decision does not invalidate any previous conditions required by any other permit granting authority relative to the subject property.
- b) The provisions of this conditional approval shall apply to and be binding upon the Applicant and all successors and assigns in interest and control of the property, structures and uses.
- c) The perpetual maintenance, repair and snowplowing of the private access driveway, as depicted on the Plan, shall be the responsibility of the Applicant and all successors and assigns in interest and control of the property, structures and uses, and in accordance with the provisions of Article VII – Open Space Residential Subdivision (OSRD).
- d) Any action by a Town board, commission or department that requires revision to the Plan or documents, relative to this decision, and as presented to the Planning Board, may be subject to approval of modification by the Planning Board.
- e) The Applicant shall comply with Section 165-71 Inclusionary Housing Balance Bylaw by creating one single family dwelling unit within the development as an affordable for sale housing unit in accordance with Section 165-71 prior to the issuance of the 5<sup>th</sup> occupancy permit for the Parish Common OSRD development; in the alternative and upon the approval of the Planning Board, the Applicant shall enter into an Agreement with the Planning Board prior to the issuance of the first Occupancy Permit, for payment in lieu for an off-site housing contribution in accordance with subsection G(1) of Section 165-71.
- f) The Applicant shall review the comment letter of H. L. Graham Associates Inc. dated November 5, 2018 Technical Planning Review report N. 5 with the Georgetown Water



Department; in the event the Water Department determines that the water line should be extended to Larkin Road per the Graham comment letter, then the water line shown on the Site Plan shall be so extended prior to the submission of the mylar.

#### 7. Expiration of Approval:

- This Site Plan Approval shall be deemed to have lapsed on 15 November, 2021 (**three years from the date approval granted**) unless substantial use or construction has commenced. Substantial use or construction will be determined by a majority vote of the Planning Board.

#### IV. DOCUMENTS CONSIDERED IN THIS DECISION:

- a. The following engineer drawings shall be deemed part of the decision:

Plan Set Entitled: Site Plan of Land in Georgetown Massachusetts 66 Parish Road (Assessor's map 20, Lot 1) Prepared for Livingstone Development Corporation dated June 12, 2018, revised through October 30, 2018 Sheets C-1 thru C-6, Sheet L-1 and Sheets D-1 thru D-4.

Owner: Parish Road Realty Trust  
161 Elliott Street  
Danvers MA 01923

Applicant: Livingstone Development Corp.  
1501 Main Street, Unit 4  
Tewksbury, MA 01876

Prepared By: The Morin Cameron Group  
68 Elm Street  
Danvers, MA 01923

- b. The following Applicant provided information shall be deemed part of the decision:

Applicant testimony, presentations and documents submitted during the following Public Hearing dates 12 September, 2018, 10 October, 2018, and 7 November, 2018.

- c. The following Planning Board provided information shall be deemed part of this decision:

- i. Technical Review Reports issued by H.L. Graham Associates, Inc;
- ii. CERTIFICATE OF VOTE – Special Permit OSRD Concept Plan, issued February 28, 2018, recorded in the Southern Essex Registry of Deeds in Book

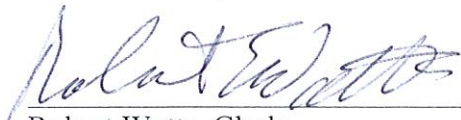
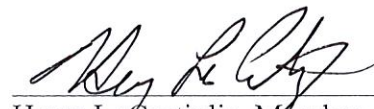
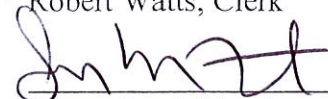
- iii. Stormwater Management Report for Parish Common OSRD 66 Parish Road, Georgetown, Massachusetts, June 12, 2018, revised through October 30, 2018.

This document shall serve as a letter of notification to the Georgetown Town Clerk and Applicant as to the above described action of decision taken by the Georgetown Planning Board relative to the OSRD Site Plan Approval described herein and in accordance with the applicable Georgetown Zoning Bylaws.

By order of the Planning Board this 7th day of November, 2018.

  
\_\_\_\_\_  
Robert Hoover, Chairman

\_\_\_\_\_  
Matilda Evangelista, Vice Chairman

  
\_\_\_\_\_  
Robert Watts, Clerk  
\_\_\_\_\_  
Harry LaCortiglia, Member  
\_\_\_\_\_  
Joanne Laut, Member