

Town of **Douglas**, Massachusetts

FORM C-1

Certificate of Approval of a Definitive Plan

January 28, 2003

It is hereby certified by the Planning Board of the Town of **Douglas**, Massachusetts, that a duly called and properly posted meeting of said Planning Board, held on **January 28, 2003**, it was voted to approve a definitive plan entitled:

“Shay Knoll Estates II” A Definitive Subdivision in the Town of Douglas

submitted by

Pinehill Development, LLC (APPLICANT) ¹, John & Mary Furno (OWNER), Andrews Survey & Engineering, Inc. (ENGINEER)

1. Originally filed under Applicant name of Audet Builders, Inc. which was revised to Pine Hill Development LLC on December 12, 2002.

originally filed with the Planning Board on **June 3, 2002**

concerning property located

Property is bounded by Southeast Main Street to the east, South Street to the West and Downs Road to the South.

With the following conditions:

See attached decision for conditions and waivers.

A copy of this Certificate of Approval is to be filed with the Town Clerk and a copy sent to the Applicant.

A true copy, attest:

Douglas Town Clerk

Douglas Planning Board

DECISION

Town of Douglas Planning Board

Definitive Subdivision Plan
for Shady Knoll Estates II
Downs Road, Douglas, MA

Decision of the Douglas Planning Board (BOARD) on the petition of Pinehill Development, LLC., c/o Adam Bonaventura, Manager, 10 Essex Street, Douglas, MA 01516 (APPLICANT) for property located on Downs Road and shown on Douglas Assessor's Map 214, Parcel 32 and Map 223, Parcels 42 and 43 (SITE).

I. BACKGROUND:

The decision is in response to an Application for Approval of a Definitive Plan (APPLICATION) by the APPLICANT to be allowed to construct a 7-lot residential subdivision at the SITE. This APPLICATION was formally received by the BOARD on May 16, 2002 and was thereafter reviewed for general completeness. The submittal was made by the ENGINEER and was comprised of the documents listed in the Exhibits below.

The BOARD caused notice of the time and place of its public hearing and the subject matter thereof to be published, posted and mailed to the APPLICANT, abutters and other parties of interest. The Public Hearing was opened on Tuesday, June 25, 2002 at 8:00 pm.

After causing notice of the time and place of its public hearing and the subject matter thereof to be published, posted and mailed to the APPLICANT, abutters within 300-feet and other parties of interest as required by law, the BOARD Chairman called the meeting to order on June 25, 2002, in the Community Meeting Room, Douglas Town Hall, 29 Depot Street, Douglas, MA. The following BOARD Members were present during the Hearing: Chairman Richard Vanden Berg, Ernest Marks, Joel Rosenkrantz, Eben Chesebrough, Linda Brown, Daniel Heney and Josiah Burch. The ENGINEER (Mr. Gregory Valiton, P.E.) was present on behalf of the APPLICANT. The hearing was continued by request of the Applicant to the following dates: July 23, 2002; August 13, 2002; August 27, 2002; September 10, 2002; October 8, 2002; October 22, 2002; November 26, 2002; December 11, 2002; and January 14, 2003 at which time, following public input, the hearing was closed. The record of the proceeding and submissions upon which this decision is based may be referred to in the Office of the Town Clerk or the Office of the Planning Board.

II. FILINGS:

Submitted for the Boards deliberation were the following:

1. Application for Approval of a Definitive Subdivision Plan which includes the following items:
 - a. Application Form C stamped on May 16, 2002 by the Douglas Town Clerk,
 - b. Waiver / Request List dated July 10, 2001 by ENGINEER,
 - c. Definitive Filing Fee Calculation dated July 10, 2001 by ENGINEER,
 - d. Certified Abutters List Report,
 - e. Form O – Receipt for Subdivision Plan stamped May 16, 2002 by the Douglas Town Clerk,
 - f. Subdivision Plans entitled “Shady Knolls Estates II” – A Definitive Subdivision in the Town of Douglas, submitted May 16, 2002, with an Owner of Record of John & Mary Furno, 53 Southeast Main Street, Douglas, Massachusetts 01516 and an Applicant of Audet Builders, Inc. P.O. Box 550, Uxbridge, Massachusetts 01569 and designed by Andrews Survey & Engineering, Inc., 104 Mendon Street, Uxbridge, Massachusetts 01569 (508) 278 – 3897 with revisions thereto thru December 16, 2003 and any revisions resulting from this decision, including the following 19 plan sheets:
 - i. Cover Sheet
 - ii. Sheet Key Plan K1 thru K1
 - iii. Overall Site Plan O1 thru O1
 - iv. Definitive Subdivision Plans 1 thru 4
 - v. Topographic/Utility & Conservation Plans T1 thru T4
 - vi. Plan & Profile Plans P1 of P2
 - vii. Miscellaneous Detail Plans D1 thru D5
 - viii. Landscaping, Signage & Lighting Plan L1 of L1
 - g. Hydrologic / Hydraulic Analysis report dated July 10, 2001 and prepared by Andrews Survey & Engineering, Inc. 104 Mendon Street, P.O. Box 312, Uxbridge, MA 01569 and revised thru October, 2002.
2. March 7, 2002 letter from David A. Furno to Stephen Zisk regarding representation by Audet Builders as Applicant.
3. March 26, 2002 letter from David A. Furno to Planning Board regarding revoking the March 7, 2002 letter to Stephen Zisk.
4. April 24, 2002 memorandum from the Board of Health to the Planning Board transmitting an April 5, 2002 letter from Malley Engineering Company, Inc. to the Douglas Board of Health pertaining to comments on the submittal.
5. June 25, 2002 Planning Board meeting minutes for the Shady Knolls Estates II Public Hearing.

6. July 23, 2002 letter from ENGINEER requesting an extension to September 27, 2002.
7. July 23, 2002 Planning Board meeting minutes for the Shady Knolls Estates II Public Hearing.
8. August 12, 2002 letter from Kopelman & Paige, P.C. to the Douglas Planning Board regarding subdivision access from Downs Road.
9. August 13, 2002 letter from ENGINEER to Planning Board regarding addressing Town Engineers comments.
10. August 13, 2002 Planning Board meeting minutes for the Shady Knolls Estates II Public Hearing.
11. August 15, 2002 letter from Mountain, Dearborn & Whiting, LLP to the Planning Board requesting copies of all documentation on file.
12. August 22, 2002 transmittal from ENGINEER to the Town Engineer conveying draft deed for conservation land.
13. August 27, 2002 Planning Board meeting minutes for the Shady Knolls Estates II Public Hearing.
14. September 6, 2002 draft letter from the Town Engineer to the ENGINEER reviewing issues with the submittal.
15. September 9, 2002 letter from the Town Engineer to the ENGINEER reviewing issues with the submittal.
16. September 9, 2002 letter from ENGINEER to the Planning Board regarding continuing the Public Hearing and extending the Decision Date through October 10, 2002.
17. September 10, 2002 Planning Board meeting minutes for the Shady Knolls Estates II Public Hearing.
18. September 12, 2002 letter from the Town Engineer to Kopelman & Paige, P.C. regarding easement language for lots #5 & #6 on Downs Road (Shady Knoll Estates).
19. September 18, 2002 letter from the Town Engineer to the ENGINEER reviewing issues with the submittal.
20. September 23, 2002 letter from ENGINEER to the Planning Board regarding continuing the Public Hearing and extending the Decision Date through November 15, 2002.

21. September 24, 2002 letter from Kopelman & Paige, P.C. to the Planning Board regarding easement language for lots #5 & #6 on Downs Road (Shady Knoll Estates).
22. October 4, 2002 letter from ENGINEER to the Planning Board regarding continuing the Public Hearing.
23. October 7, 2002 letter from Rob & Andrea Rose to "Town Officials" regarding Audet Builders & issues within Shady Knolls Estates.
24. October 8, 2002 Planning Board meeting minutes for the Shady Knolls Estates II Public Hearing.
25. October 21, 2002 draft letter from ENGINEER to Town Engineer responding to comments from the September 9 and September 16, 2002 letters.
26. October 22, 2001 fax from the Town Engineer to Kopelman & Paige, P.C. indicating that Atty. Steve Greenwald would be contacting them regarding Shady Knolls Estates II.
27. October 22, 2002 letter from ENGINEER to the Planning Board requesting that the Public Hearing be continued and the decision date be extended thru December 13, 2002.
28. October 22, 2002 Planning Board meeting minutes for the Shady Knolls Estates II Public Hearing.
29. October 23, 2002 letter from ENGINEER to Town Engineer responding to comments from the September 9 and September 16, 2002 letters.
30. November 6, 2002 letter from Greenwald, Greenwald & Powers, LLP to Kopelman & Paige, PC regarding questions & comments from the Town Engineer letter dated September 9, 2002.
31. November 26, 2002 fax from Kopelman & Paige, P.C. to the Town Engineer regarding November 6, 2002 letter from Greenwald, Greenwald & Powers, LLP.
32. November 26, 2002 letter from the Town Engineer to ENGINEER pertaining to review of responses in the October 23, 2002 letter from the ENGINEER and the November 6, 2002 letter from Greenwald, Greenwald & Powers, LLP.
33. November 26, 2002 letter from the ENGINEER to the Planning Board regarding revised waiver request list.
34. November 26, 2002 note from the ENGINEER to the Planning Board granting an extension to the decision date thru January 28, 2003.

35. November 26, 2002 Planning Board meeting minutes for the Shady Knolls Estates II Public Hearing.
36. November 27, 2002 letter from the ENGINEER to the Planning Board regarding revised waiver request list.
37. November 27, 2002 fax from the ENGINEER to the Town Engineer transmitting a copy of the revised abutter notification and certified abutters list.
38. November 29, 2002 letter from Kopelman & Paige, P.C. to the Planning Board regarding ways providing access to the proposed subdivision.
39. December 2, 2002 letter from Greenwald, Greenwald & Powers, LLP. to the Town Engineer regarding ownership of Downs Road.
40. December 2, 2002 submittal of a revised Form C – Application for Approval of Definitive Plan indicating that Audet Builders, Inc., is no longer the Applicant and Pinehill Development, LLC is the new Applicant.
41. December 11, 2002 letter from Melia & Osol to the Planning Board regarding Killingly Asphalt and monies owed for work on Downs Road.
42. December 11, 2002 letter from the ENGINEER to the Town Engineer regarding responses to the November 26, 2002 letter.
43. December 11, 2002 letter from the ENGINEER to the Planning Board regarding revised waiver request list.
44. December 11, 2002 Planning Board meeting minutes for the Shady Knolls Estates II Public Hearing.
45. December 16, 2002 email from ENGINEER to the Town Engineer regarding drainage calculations.
46. December 13, 2002 submittal from the ENGINEER revising drainage calculations for subsurface drainage system.
47. January 3, 2003 letter from Melia & Osol to the Planning Board indicating that all disputes have been resolved regarding Downs Road.
48. January 14, 2003 letter from Kopelman & Paige, P.C. to the Planning Board regarding ways providing access to subdivisions.

49. January 14, 2003 Planning Board meeting minutes for the Shady Knolls Estates II Public Hearing.

III. FINDINGS:

After due consideration of the exhibits and the record of the proceedings, and upon satisfaction of the conditions herein, the Board finds the following:

1. The submittal is for properties identified on Town of Douglas Assessors Maps as Map 214, Parcel 32 (27.128 Ac), and Map 223 Parcels 42 (2.13 Ac) and 43 (2.13 Ac). The entire property is located in an area zoned "RA" (Rural Agricultural).
2. The combined acreage, based upon the Tax Assessors Mapping information, is 31.388 Acres.
3. Access is proposed from Downs Road, which is a road in an approved subdivision however is not yet accepted as a town way.
4. The Planning Board has no authority to rule on the locations of existing property boundaries.
5. The definitive plan, with the granted waivers, generally conform with the requirements of the Town of Douglas Rules and Regulations Governing the Subdivision of Land ("Regulations"), and the Subdivision Control Law MGL Chapter 41, Sections 81A – 81GG ("SCL").
6. This approval does not relieve the Applicant from complying with or obtaining the appropriate permits for any federal, state and local laws, rules or regulations.

IV. DECISION & CONDITIONS:

Therefore, the Board voted to approve the Definitive Subdivision Plan entitled "Shady Knoll Estates II – A Definitive Residential Subdivision" dated May 16, 2002 by Andrews Survey & Engineering, Inc., 104 Mendon Street, Uxbridge, Massachusetts 01569; Owner being John & Mary Furno, 53 Southeast Main Street, Douglas, Massachusetts 01516; and Applicant being Pinehill Development, LLC., c/o Adam Bonaventura, Manager, 10 Essex Street, Douglas, Massachusetts 01516 subject to the following conditions:

A. GENERAL CONDITIONS

- 1) This subdivision approval is given based upon the subdivision plans identified in Exhibit 1 above with revisions thereto through December 16, 2002. The Board will not consider any additional revisions or modifications to the plans as approved other than those resulting from conditions contained herein. If the Applicant wishes to modify or revise the plans he must follow provisions of the Subdivision Control Law, MGL Chapter 41, Sections 81A – 81GG (“Subdivision Control Law”) and the Douglas Rules and Regulations Governing the Subdivision of Land adopted September 17, 1975 and revised November 24, 1998 (“Regulations”) relating to the submission of a Definitive Plan.
- 2) The Applicant shall ensure safe and convenient vehicular access to the project site during the entire duration of the project. Any Planning Board representatives shall be permitted access to the project site for the duration of the project provided that notice is given to the site construction forman upon arrival.
- 3) Nuisance – The Applicant is responsible to ensure that nuisance conditions, not necessarily limited to the following, do not exist in and around the site as a result of the construction operation. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area.
 - a) Hours - The hours of operation for any construction activities onsite shall be between 7:00 am and 7:00 pm, Monday thru Friday, 8:00 am and 5:00 pm on Saturdays, and no work shall be allowed onsite on Sundays or on Holidays as recognized by the Commonwealth of Massachusetts.
 - b) Dust - The Applicant shall implement dust control operations, in an approved manner, whenever necessary or when directed by the Planning Agent, even though other work on the project may be suspended. Methods of controlling dust shall meet all air pollutant standards as set forth by Federal and State regulatory agencies.
 - c) Noise - The Applicant shall implement measures to ensure that noise does not exceed acceptable levels, as set forth by Federal and State regulatory agencies. The Applicant shall cease any excessively loud activities when directed by the Planning Agent.
 - d) Vibration - The Applicant shall implement the necessary controls to ensure that vibration does not create a nuisance or hazard for property abutters.

- e) Traffic - The Applicant shall implement necessary traffic safety controls to ensure a safe and convenient vehicular access in and around the site. Any traffic issues that occur as a result of site operations and construction shall be mitigated immediately, at the expense of the Applicant. Additional traffic mitigation measures may be required as necessary, or as directed by the Planning Agent.
 - f) Roads – The Applicant is responsible for the sweeping, removal of snow and sanding of the internal roadways permitting access to residents and emergency vehicles until the subdivision is completed. The Town shall have the ability to contract outside snow removal/sanding vendors, at the expense of the Applicant, if the snow is not cleared within a reasonable amount of time. A “reasonable amount of time” is solely determined by the Planning Board.
 - g) Complaints – All complaints related to the above or otherwise, shall be logged and tracked by the Planning Agent. Complaints will be brought to the attention of the Planning Board, as necessary. Any complaints that are found to be repetitive in nature and continue with no mitigation in the opinion of the Planning Board, may constitute a violation of these conditions and may be grounds for a stop order or a partial stop order.
- 4) The Applicant shall provide temporary central mailbox units (CMU) for the residents during project construction. These CMU’s shall be approved as to style and location by the local Postmaster General of the United States Post Office. Post Office authorization shall be forwarded to the Planning Board for their record.
- 5) Inspections and Reporting
- a) The Applicant is responsible for the subdivision roadway and infrastructure inspection fees as detailed in the Douglas Regulations.
 - b) The Applicant shall furnish labor and equipment as needed, at no expense to the Town, to assist in performing inspections of the site.

- c) The Applicants Engineer shall provide monthly status and scheduling reports to the Planning Board by the first day of each month until the project is completed, as required by the Regulations. Projections of the upcoming month's work shall also be identified in these monthly reports. The reports shall include any relevant quantity and cost estimates, partial as-built plans, and supporting documentation deemed necessary by the Planning Agent to justify and supplement claims of completed work. Each of these reports shall be signed, stamped and dated by the Design Engineer and contain the following signed statement: "I hereby certify that all quantities and representations contained herein are accurately represented to the best of my professional knowledge and ability."
 - d) The Applicant shall give the Planning Board a 24-hour notice in writing prior to the request for an inspection.
 - e) The Applicant is responsible for the construction and completion of all stormwater management systems prior to any other site construction activities.
- 6) Surety & Covenants
- a) Prior to signing the approved plan, the Applicant shall submit a covenant running with the land, suitable for recording and written in conformance with the Douglas Regulations and the Subdivision Control Law.
 - b) The Applicant shall submit prior to the request for release of lots from covenant, a tabular summary of all quantities of each construction item to be broken down in a manner sufficient for the Planning Board or its agent(s) to estimate the cost of construction for bonding purposes. Said tabular summary shall include, but may not be limited to, all roadway work, landscaping, common areas, water, drainage, utilities (electric, cable, telephone, to name a few), and other construction proposed on the plan.
 - c) Prior to granting a release from covenant, in part or in whole, the Applicant or subsequent Owner shall complete all the required improvements or submit a performance bond, a deposit of money, or a bank passbook in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements required by this subdivision approval. Said surety shall also include a ten percent (10%) contingency factor based upon the value of the work remaining at the time of posting of surety. This full contingency will remain in place until the Planning Board is satisfied that the entire subdivision has been constructed in accordance with the approved Definitive Plan.

- d) Partial as-built plans, certified by a Professional Civil Engineer and Professional Land Surveyor shall be produced with each request for bond/surety reduction. Any items for which reductions are requested shall be clearly identified on the as-built plans including spot elevations, details, cross sections, finished grades, and the like. Furthermore, any testing locations shall also be indicated on the as-built plans. No release of bond/surety will be considered for items that have not been witnessed and approved by the Planning Board Agent(s), specifically by signing the appropriate place on the Form P.
- 7) Construction Standards
- a) Where insufficient information is contained in the design drawings or no local design standard exists, The 1988 Massachusetts Highway Department Standard Specifications for Highways and Bridges as amended and supplemented shall be adhered to.
 - b) Burial of any stumps and debris onsite is expressly prohibited. Localized burial of stones and/or boulders shall not be permitted.
 - c) Soil material to be used as backfill for pipes roads and/or structures (ie. detention basins) shall be tested at the expense of the Applicant, by a firm selected by the Planning Board. Testing of said backfill shall be performed in conformance with standards and frequencies established by the Planning Agent.
 - d) Riprap shall be furnished and installed on all sideslopes in excess of 3 horizontal : 1 vertical (33%) in accordance with Massachusetts Highway Department Standard Specifications for Highways and Bridges Section M2.02.0 – Riprap if the sideslope has not been stabilized prior to acceptance.
- 8) Utilities
- a) Submittal of an underground utility plan as approved/designed by National Grid, or other appropriate agency shall be provided to the Planning Board prior to start of construction. The proposed layout shall not conflict with any of the infrastructure shown on the proposed drawings.
- 9) Infrastructure
- a) Completion of all roadways, drainage areas, and other improvements required by the Douglas Regulations shall be accomplished within two (2) years from the release of the covenant or posting of surety.

10) Easements

- a) Easements indicated on the drawings shall be enlarged to allow full access to any stormwater structures full perimeter, at least a 15-foot level surface shall be provided within an easement area.

11) Conservation Issues

- a) The amount of wetland and upland area on each lot shall be specified on the plans and on each lot, where applicable.
- b) Any work occurring onsite within areas under the jurisdiction of the Douglas Conservation Commission shall be permitted accordingly prior to the start of construction within those areas.

12) Other

- a) A phasing plan clearly indicating the limits of work for each phase shall be submitted to the Planning Board for approval prior to the start of construction, if required. Temporary cul-de-sacs shall be designed and constructed to the standards of a permanent cul-de-sac at the end of any phased roads creating a dead-end.
- b) The Applicant shall maintain a copy of the approved plan and this Certificate of Approval at the SITE during construction.
- c) The Applicant shall obtain temporary easements or written permission from any abutting property Owner if, during the course of construction, it becomes necessary to enter upon their land for construction or planting.
- d) Prior to the application for issuance of occupancy permits for any dwelling having its frontage on any street within the SITE, the following must be complete:
 - i. The entire roadway within the subdivision shall be constructed up to and including the binder course of bituminous concrete, and satisfactorily inspected,
 - ii. All street drainage shall be fully complete and functioning with all grates and castings set to grade,
 - iii. The storm water drainage area shall be operational, fully constructed, and completed according to the plans,

- iv. All improvements shall be installed and inspected to the satisfaction of the Planning Board's Agent(s).
- e) The Planning Board recommends the following be added to the plan to ease future acceptance as a public way: "Title to each lot shown on this plan is subject to the right reserved to the common grantor to convey the Town of Douglas and easement with respect to the streets and ways shown on the plan for all purposes for which streets and ways are commonly used in the Town of Douglas, upon acceptance of such streets and ways by the Town."
- f) Prior to final approval of the Planning Board, the Applicant shall adhere to the requirements contained in the Town of Douglas Street Acceptance Policy, as endorsed by the Board of Selectmen and the Planning Board in effect as of May 28, 2002.
- g) Any sale or transfer of rights or interest in all or any part of the property described in this plan shall include a condition that successors are bound to the terms and conditions of this Certificate of Approval and the covenant. In the event of the sale of the entire development: 1) the Planning Board shall be provided with the name, the address, and the telephone number of the new Owner and of the representative, if other than the Owner, responsible for the project.
- h) The Applicant and/or subsequent Owner(s) shall be bound by all conditions and requirements set forth in this Certificate of Approval. Sureties in place shall remain in full force and effect until such time that a surety of equal or greater value is provided.
- i) Conditions contained herein does not relieve the Applicant from adhering to the Douglas Regulations.

B. SPECIAL CONDITIONS

- 1) Prior to Planning Board endorsement of the approved Definitive Plan Drawings, a design of the retaining wall shall be completed and detail drawings and supporting calculations shall be provided to the Planning Board.
- 2) Prior to Planning Board consideration of endorsing the approved Definitive Plan Drawings, legal access to the proposed subdivision road shall be demonstrated by the Applicant. The Planning Board shall vote that adequate access has been provided, in their opinion, prior to plan endorsement.

- 3) Prior to the Planning Board endorsing the approved definitive plan drawings, the Engineer shall demonstrate that the project will not result in creation of any non-conforming building lots (pre-existing or otherwise).
- 4) Prior to Planning Board endorsing the approved definitive plan drawings, the Engineer shall modify the drawings to indicate the correct APPLICANT.
- 5) Prior to release of any covenants, the 4.17-acre parcel of land labeled as "Conservation Parcel" on Sheets 1 of 4 and 2 of 4 shall be conveyed and accepted by the Douglas Conservation Commission.

WAIVERS REQUESTED:

The Board considered and voted upon the following requested waivers from the Rules and Regulations Governing the Subdivision of Land, Douglas, Massachusetts adopted September 17, 1975 and revised November 24, 1998:

- a) Section III. B. 3. m** – *“Test pits or borings shall be performed at the expense of the applicant at 100 foot intervals along the center line of the proposed roadways to determine the foundation material for road construction and to determine the seasonal high ground water elevation. Surface elevation and approximate depth of water shall be shown at each point where the drainage pipe ends at a waterway.”*

Waiver request to provide test results prior to construction to determine the need for subdrains and/or additional material to replace unsuitable material in the roadway subgrade. The Board made a unanimous vote to grant this waiver request.

- b) Section III. B. 3. n** – *“Where sanitary sewers are not available, a soil evaluator’s report for each lot proposed within the subdivision shall be included, as per Title V.”*

Waiver request to provide testing as lots are developed when proposed house locations, sizes and types will be known. The Board made a unanimous vote to grant this waiver request.

- c) Section IV. A. 1. c.** – *“Provision satisfactory to the Board shall be made for the proper projection of streets, or for access to adjoining property which is not yet subdivided. These access ways are to be deeded in fee to the town prior to release of any bond.”*

Waiver request of this requirement due to the constraints imposed by wetlands on the site which preclude construction of a roadway to lands having access available from other streets without any wetlands crossings or lesser crossings. The Board made a unanimous vote to grant this waiver request.

- d) Section IV. A. 4. a.** – *“Dead-end streets shall not be longer than five hundred (500) feet unless, in the opinion of the Board, a greater length is necessitated by topography or other local conditions.”*

Waiver request to allow a dead end street having a length, measured to the center of the cul-de-sac, of 900 feet due to extensive wetlands precluding construction of a through street. The Board made a 5 – 1 vote to grant this waiver request.

- e) Section V. A. 3.** – *“All roadways shall be brought to a finished grade as shown on the profiles of the Definitive Plan with at least the top twelve (12) inches of gravel borrow conforming to Mass. Highway M 1.03.0 type b compacted to 95% dry density to a width of the roadway base course plus two (2) feet on both shoulders.”*

Waiver request was withdrawn. The Board took no action on this waiver request.

- f) Section V. A. 5.** – *“A four (4) inch compacted thickness of Class I bituminous concrete pavement, Type I-1, shall be placed on all roadways in conformance with the Massachusetts Department of Public Works Standard Specifications for Highways, Bridges, and Waterways. Two and one half (2 ½) inches of coarse mix (binder) bituminous concrete shall be laid, then upon which shall be laid a one and one half (1 ½) inch course of fine mix (finish) bituminous concrete.”*

Waiver request was withdrawn. The Board took no action on this waiver request.

- g) Section V. C. 4.** – *“Underground distribution systems shall be provided for any and all utility services, including electrical and telephone services. Adequate street lighting shall be provided of a design subject to approval by the Planning Board.”*

Waiver request to not provide street lighting. The Board made a unanimous vote to grant this waiver request.

- h) Section V. D.** – *“Five-foot sidewalks shall be installed wherever required. The sidewalk shall be constructed of Portland cement concrete in conformity with the specifications of the Highway Department. All sidewalks and ramps shall be in compliance with all ADA and applicable Massachusetts regulations.”*

Waiver request to allow a sidewalk on one side of the road only as being adequate. The Board made a unanimous vote to grant this waiver request.

- i) Fee Waiver** – *“In addition to the waiver requests from the subdivision Regulations listed above, we respectfully request that the additional \$320.00 application fee requested to be waived based upon the questions raised regarding the inclusion of the two existing lots on Downs Road in the subdivision, as discussed at the Public Hearing on November 26, 2002.”* The Board made a 4 – 2 vote to grant this waiver request.

