

Town of Rowley
Massachusetts 01969

PLANNING BOARD

April 18, 2003

Susan Hazen
Town Clerk
Town Hall
Rowley, MA 01969

George E. Benoit, Trustee
Benoit Bass Realty, LLC
4 Point Road
Gloucester, MA 01930

Re: **CERTIFICATE OF VOTE**
SITE PLAN APPROVAL WITH CONDITIONS
Pingree Farms
Haverhill Street/Pingree Farm Road
Rowley, MA

Dear Mrs. Hazen and Mr. Benoit:

On Wednesday, April 16, 2003, the Rowley Planning Board voted 4 in favor & opposed to approve the **APPLICATION FOR APPROVAL OF A SITE PLAN** to Applicant George E. Benoit, Trustee, Benoit Bass Realty, LLC, 4 Point Road, Gloucester, MA 01930 for property located at Pingree Farm Road off Haverhill Street, Rowley, MA 01969 being Assessors Map 4, Lots 11, 13-1, 13-2 and 13-2A, a 28.64 acre parcel.

Site Plan approval is based on a set of 24" x 36" prints consisting of twenty-nine (29) sheets. The first eleven (11) sheets are entitled, "Pingree Farms, Pingree Farm Road, Rowley, MA". These sheets indicate the Applicant as Benoit Bass Realty, LLC, George E. Benoit, Mgr. of 4 Point Road, Gloucester, MA 01930. These sheets indicate the preparers as Cammett Engineering of 297 Elm Street, Amesbury, MA. These sheets are all dated 6/17/02 and are revised through 4/16/03. All sheets are appropriately signed and sealed by Fred V. Ford, Registered Professional (Civil) Engineer (MA #35453).

One (1) sheet of this set of plans is entitled "Conservation Area Plan, Pingree Farms, Pingree Farm Road, Rowley, MA, Essex County", prepared for and by the previously named and signed and sealed by the aforementioned Ford. This plan sheet is dated 12/17/02 and is revised through 4/16/03.

Three (3) sheets of this set of plans are entitled "Landscaping Plan", prepared for and by those previously named, dated 3/27/02 and revised through 4/16/03. These three (3) sheets numbered L-1, L-2 and L-3 are signed and sealed by Richard A Gardiner, Registered Landscape Architect (MA #132).

One (1) sheet of this set of plans is entitled, "Lighting Plan, Pingree Farms, Pingree Farm Road, Rowley, MA", prepared for and by the previously named, and signed and sealed by the aforementioned Ford. This sheet is dated 11/7/02 and is revised through 4/16/03.

One (1) sheet of this set of plans is entitled, "Stormwater Operation and Maintenance Plan, Pingree Farms, Pingree Farm Road, Rowley, MA", prepared for and by the previously named and signed and sealed by the aforementioned Ford. This plan sheet is dated 1/2/03 and is revised through 4/16/03.

Three (3) sheets of this set of plans are entitled, "Condominium Site Plan, Pingree Farms Condominium, Pingree Farm Road, Rowley, MA", prepared for and by the previously named and signed and sealed by the aforementioned Ford. The plans are dated 12/17/02 and are revised through 4/16/03.

One (1) sheet of this set of plans is entitled, "Floor Plan - Building 1 - Units 1 & 2", prepared for and by the previously named and signed and sealed by the aforementioned Ford. This sheet is dated 12/17/02 and revised through 4/16/03.

Four (4) sheets of this set of plans numbered A1, A2, A3 and A4 are entitled, "Pingree Farms, Pingree Farm Road, Rowley, MA", prepared for and by the previously named. All sheets are revised through 4/16/03. These architectural sheets depict building elevations and floor plans.

One (1) sheet of this set of plans is entitled, "Plan of Land, Pingree Farm Road in Rowley, MA, Essex County", prepared for and by the previously named, is dated 9/10/02 and is revised through 4/16/03. This plan is signed and sealed by Robert E. Smith, Jr., MA Registered Professional Land Surveyor.

One (1) sheet of this set of plans is entitled, "Plan of Land, Form "A", Pingree Farm Road, Rowley, MA, Essex County". This plan sheet is dated 01/06/03 and is revised through 4/16/03. This plan is signed and sealed by Robert E. Smith, Jr., MA Registered Professional Land Surveyor.

One (1) sheet of this set of plans is entitled, "Conventional Subdivision (Yield Plan), Pingree Farms, Pingree Farm Road, Rowley, MA", prepared for and by those previously named, dated 6/17/02 and revised through 4/16/03. This sheet is signed and sealed by the aforementioned Ford.

One (1) sheet of this set of plans is entitled, "Conceptual Site Plan, Lots 1 & 17, Pingree Farms, Pingree Farm Road, Rowley, MA", prepared for and by those previously named. This sheet is dated 11/7/02 and is revised through 4/16/03. This sheet is signed and sealed by the aforementioned Ford.

Site Plan approval is also based on other additional documents described as follows:

- An 8 1/2" x 11" bindered document entitled, "Pingree Farms, Open Space Residential Design, Special Permit and Site Plan Review Application", prepared for Benoit Realty Trust, Bass River Trust, George Benoit, Trustee, prepared by W.C. Cammett Engineering, Inc.

This document contains the Special Permit and Site Plan Applications, Certified Abutters List, Stormwater Analysis, Erosion and Sediment Control Plan, Stormwater Operation and Maintenance Plan, Environmental Impact Statement, WPA Appendix C - Stormwater Management Form, and Traffic Analysis.

- An 8 1/2" x 11" x 1/2" bound document entitled, "Soil Test Results, Benoit Realty Trust, Pingree Farm Road, Rowley, MA", prepared by Cammett Engineering and dated June 6, 2000.
- An 8 1/2" x 11" x 1/2" bound document entitled, "Stormwater Analysis, Project #02016, Pingree Farms, Pingree Farm Road, Rowley, MA", prepared by W.C. Cammett Engineering, Inc., dated 6/17/02 and revised through 1/2/03.

- Additional review and comment letters from:

- John R. Petrowicz (3/3/02)
- Rowley Municipal Water Department (1/21/03)
- John R. Petrowicz (11/25/02)
- Rowley Conservation Commission (9/9/02)
- Rowley Conservation Commission (8/5/02)
- Rowley Fire Department (7/29/02)

Subsequent to a comprehensive review of the development plans and supporting documents, the Planning Board finds that the following conditions have been met as required by the Town of Rowley Protective Zoning Bylaw Section 7.6 and General Guidelines of the Town of Rowley Planning Board Rules and Regulations:

- The plan and intended use is consistent with the uses permitted in the zoning district in which the site is located.
- The development plans are properly integrated into the existing topography and surrounding landscape. The development plans generally respect the site associated Resource Areas, minimize vegetation and soil removal, cuts and fills, and maximize retention of open space.
- Adequate screening and landscaping are proposed around the site.
- Proposed architectural plans and lighting are in keeping with the character and scale of buildings in the zoning district in which the site is located.

- The site will be served by adequate pressures and flows from the Town water system. The Town Water Department has been consulted in regard to same.
- The site is proposed to be served by on-site subsurface sewage disposal systems. Site Plan approval is subject to the Town Board of Health's approval of same.
- The development plans propose safe and adequate access off of Haverhill Street.
- Adequate internal pedestrian and vehicular access ways and parking is proposed for the intended use.
- Adequate provisions are proposed to prevent increased run-off and potential flooding. Measures are proposed to minimize pollution to surface and groundwater, to minimize erosion and sedimentation loss and to maximize groundwater recharge.
- The continued health, safety and welfare of the general public and the inhabitants of Rowley are not adversely impacted by the approval of these development plans.

Therefore and in accordance with the Protective Zoning By-Law of the Town of Rowley, this Site Plan Approval is granted in conjunction with an Open Space Residential Development Special Permit Approval with conditions dated April 16, 2003.

Further, this Site Plan Approval is hereby granted subject to the following conditions:

1. Prior to endorsement of the Site Plans by the Planning Board the Applicant shall:
 - a. Provide the design and plans for the structural headwalls shown on the approved Site Plan.
 - b. Record the Form "A" plan mentioned above and all deeds of all lands of the development into the name of Benoit Bass Realty, LLC and provide the Planning Board with the Registry recording information of all documents and as available copies of all documents bearing the Registry recording data.
 - c. Signatures and seals on all plan sheets by the appropriate professional.
 - d. Original and six (6) sets of prints of the twenty-nine (29) sheet set of drawings for signatures.
2. Subject to the approvals as may be required of the following additional authorities:
 - Rowley Board of Health
 - Rowley Fire Department
 - Rowley Municipal Lighting Plant
 - Rowley Water Commissioners

- Rowley Water Department
 - Rowley Conservation Commission
 - Rowley Board of Selectmen
3. Subject to the construction and occupancy of no more than twenty-three (23) 2-bedroom (maximum per each unit) dwelling units along with associated access drives, parking, curbing, grading, drainage, lighting, landscaping, other as shown on the approved Site Plan.
 4. Subject to the age restriction occupancy of all units as specified in Paragraph 9. of the Master Deed of the Pingree Farms Condominium Association.
 5. Subject to the proper filing and approvals of the Conservation Restriction applicable to the 14.46 acres of Open Space as shown on the approved Site Plan. Said Open Space shall be and remain devoid of structures and impervious surfaces and shall be left in its undisturbed natural condition to assure its use as an area for passive recreation and a visual amenity. The ownership of the Open Space shall comply with the requirements of Sect. 6.4.12. of the Town of Rowley Protective Zoning Bylaw. Any changes to the Conservation Restriction submitted to the Board under date of March 13, 2003 or any proposed changes to the Conservation Restriction area, ownership or use shall be submitted to the Rowley Planning Board for approval.
 6. Subject to the following conditions specific to the construction phase of the development:
 - a. Prior to any construction, the Applicant shall schedule a preconstruction conference between himself, his Engineer and General Contractor and any appropriate sub-contractors, a Planning Board representative and the Planning Board's Technical Review Agent (TRA). The purpose of this meeting shall be to establish a construction phasing and sequencing plan/schedule and to set forth expectations relative to construction methods and controls, contacts and coordination procedures.
 - b. During construction, all necessary measures will be employed to assure protection of all existing drainage systems (Haverhill Street structures and piping) and existing swales, ditches, water courses and wetlands. This protective effort will be an on-going effort subject to review, modification and maintenance on a daily basis until no longer required.
 - c. The nature of this project requires an extensive fill effort accomplished by importing significant quantities of fill. The Applicant and/or contractor shall provide the location(s) and source(s) of said fill. As required by the TRA, the Applicant and/or Contractor shall provide quality sampling, testing and reporting of the material source(s) proposed to be used.

- d. Proper compaction efforts shall be maintained during all fill efforts and if required by the TRA, compaction testing shall be completed.
 - e. The Contractor shall provide dust control methods as required by the TRA to prevent wind erosion of soils and to mitigate any nuisance dust migration onto abutters properties.
 - f. Pingree Farm Road will not be used by the Applicant and/or its Contractor for access during construction. Access through the site by the general public, in and along Pingree Farm Road will be maintained at all times during construction.
 - g. Prior to the commencement of any earth work, all existing manmade objects scattered about the site (e.g. tires, truck bed, boat, metals, concrete, construction debris, other dumped objects) shall be removed from the site and properly disposed of. None of these types of materials shall be buried on site.
7. Subject to the development, paint striping and continued maintenance of sixty-nine (69) parking spaces (3 spaces per dwelling unit including garage spaces) from which access to the proposed units shall be provided in accordance with the latest ADA guidelines.
 8. Subject to the requirement that all roof drainage be directed to the roof infiltration system(s) to be installed for each dwelling unit as shown on the approved Site Plan.
 9. Subject to the requirement that all access drive and parking area drainage be directed to the stormwater system as shown on the approved Site Plan.
 10. Subject to the periodic cleaning, maintenance and operation of all storm drainage facilities as shown on the approved Site Plan including but not limited to down spouts, roof leaders, clean outs, catch basins, manholes, water quality devices, pipes, conduits, swales, outlet control structures, infiltration basins, detention basins and the like in accordance with the Operation and Maintenance Plan provided in the approved Site Plan.
 11. Subject to the compliance in all respects with the provisions of the Rowley Protective Zoning Bylaw Section 4.10., Municipal Water Supply Protection District for the use of fertilizers, herbicides, pesticides, insecticides, fungicides and rodenticides in accordance with State and Federal standards and to the use restrictions of the approved State and Town of Rowley within the Zone II Wellhead Protection area.
 12. Subject to the installation of two (2) groundwater monitoring wells in the vicinity of the septic leach field areas as shown on the approved Site Plan and to the frequency and parameters of sampling, testing and reporting as set forth by the Rowley Water Commissioner's Department. See EXHIBIT "W" attached.

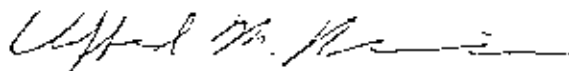
13. Subject to the installation of four (4) groundwater monitoring wells in the vicinity of the detention basin outlets as shown on the approved Site Plan and to the frequency and parameters of sampling, testing and reporting as further described on EXHIBIT "G" attached.
14. Subject to the initial installation and continued maintenance and operation of exterior building and site lighting in accordance with Section 8.6 of the Rowley Protective Zoning Bylaw.
15. Subject to the installation and maintenance of landscaping as shown on the approved Site Plan. Any trees, shrubs or other plantings which die or otherwise become ineffective shall be promptly replaced (as soon as practicable, subject of the seasonal restrictions and good planting practices) by the Owner/Applicant.
16. Subject to the installation and maintenance of all traffic flow and control paint marking and to the installation and maintenance of all traffic related signage as shown on the approved Site Plan including but not necessarily limited to stop signs, one-way signs, "private way" sign, "Pingree Farm Road - Access to State Forest" sign, "horse crossing" sign, others.
17. Subject to the installation and continued maintenance of the improved portion of Pingree Farm Road at its intersection with the site access road as shown on the approved Site Plan. Said improvements include but are not necessarily limited to the graveled, paved and curbed roadway, rip-rap slopes at curb ends, speed bump, signage, other.
18. Subject to the continued maintenance of the Sight Distance Maintenance Easement as called for on the Landscaping Plans of the approved Site Plan.
19. Subject to the restriction that there shall be no development of structures, paving, parking or other man-made improvements to the area of Lot 13-1 as shown on the approved Site Plan.
20. Subject to the Applicant's grant, without covenants, and to the public, its rights in Pingree Farm Road.
21. Subject to the condition that the Applicant/Owner shall return to the Planning Board for approval of an amendment to this Special Permit for the development of the "Future Active Recreational Facilities" and "Passive Community Gardening Areas" parcels as shown on the approved Site Plan. This requirement shall not be applicable for improvements such as gardens, landscaping, paths, and the like. This requirement shall be applicable for improvements such as structures, paving, parking, tennis courts, pools, fencing, any impervious surface coverage (excepting pedestrian walks and paths), and the like.

22. Subject to the construction of the buildings and units in general conformance with the architectural building elevation and facade plans as shown on the approved Site Plan.

23. Subject to the posting of a cash deposit with the Planning Board in the amount of \$5,000 prior to the start of any construction. This deposit is for inspection services by the Planning Board's Technical Review Agent. Additional deposits may need to be made during the construction process. Any and all unused funds will be returned to the Applicant upon Planning Board concurrence that the project has been constructed in accordance with the approved Site Plan and Special Permit.

This document letter, shall be notification to the Rowley Town Clerk and Applicant, as to the above described action taken by the Rowley Planning Board, relative to the Site Plan described herein and in accordance with the Rowley Protective Zoning By-Law and Planning Board Rules and Regulations.

Respectfully,
The Rowley Planning Board



Clifford M. Pierce
Chairman

cc: Town of Rowley Board of Selectmen
Town of Rowley Building Inspector
Town of Rowley Conservation Commission
Town of Rowley Board of Health