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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**
"OSRD" SPECIAL PERMIT 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 0 opposed to approve the **APPLICATION FOR APPROVAL OF AN OPEN SPACE RESIDENTIAL DEVELOPMENT ("OSRD") SPECIAL PERMIT** 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.

Subsequent to a comprehensive review of the application, documents and supporting plans, the Planning Board finds that the following criteria has been met as required by the Town of Rowley Planning Board Rules and Regulations Governing Special Permits, Chapter 7:

- The "OSRD" Special Permit Application has been filed in conjunction with a Site Plan Application as required under Sections 6.4. and 7.6 of the Town of Rowley Protective Zoning Bylaw. Said Site Plan Approval with conditions is dated April 16, 2003. Said approved Site Plan and conditions thereof are made, as applicable, a part of this Special Permit approval.
- The "OSRD" Special Permit Application suggests that the intended use is in harmony and is compatible and appropriate with the site and the district in which it is located.
- The use as proposed to be developed and operated shall not adversely impact the neighborhood, abutting properties and districts.

- The proposed plans and intended use depicts adequate provisions for safety and appropriateness of access, parking, emergency access, and pedestrian and vehicular traffic.
- The proposed plans and intended use will not create any potential significant adverse impacts to the topography and Resource Areas of or adjacent to the site.
- The proposed plans and intended use will not create any potential for increased run-off, flooding, erosion or sediment loss.
- The Site Plan and "OSRD" Special Permit Approvals have been granted subject to approvals of other Town departments (i.e. Board of Health, Conservation Commission, Fire Department, Municipal Lighting Plant, Water Department, Board of Selectmen, other).

Therefore and in accordance with the Town of Rowley Planning Board Rules and Regulations Governing Special Permits, Chapter 7, the "OSRD" Special Permit is hereby granted subject to the following conditions:

1. The "OSRD" Special Permit is granted for the following use as outlined within the Town of Rowley Protective Zoning Bylaw, first adopted March 7, 1960 and revised through May, 2002:
 - Section 6.4.
Residential Townhouse Dwelling Units.
2. Subject to the approvals as may be required for the Site Plan Approval and this "OSRD" Special Permit Approval of the following jurisdictional 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 the 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 prompt removal of all snow banks in excess of three (3) feet in height at the site driveway intersections with Haverhill Street and with Pingree Farm Road and within the site at all drive corners and at critical sight areas of vehicular and pedestrian traffic movements.
9. 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.
10. 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.
11. 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.
12. 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 State and Town of Rowley within the Zone II Wellhead Protection area.
13. 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. EXHIBIT
14. 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.

15. 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.
16. 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.
17. 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.
18. 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.
19. Subject to the continued maintenance of the Sight Distance Maintenance Easement as called for on the Landscaping Plans of the approved Site Plan.
20. 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.
21. Subject to the Applicant's grant, without covenants, and to the public, its rights in Pingree Farm Road.
22. 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.
23. 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.

24. 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.
25. Any substantial/significant changes or revisions to the site from the approved Site Plan drawings or the approved Special Permit conditions affecting the Site Plan drawings shall be cause for resubmission of the Site Plan to the Planning Board for review and modification. The Planning Board or their Technical Review Agent shall make the determination as to what changes are substantive/significant.

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 "OSRD" Special Permit 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