

Office of Planning Board &
Town Planner

TOWN OF NORWELL
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www.townofnorwell.net

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**OLD OAKEN BUCKET ESTATES
DEFINITIVE PLAN – CERTIFICATE OF ACTION**

To: Town Clerk
From: Planning Board
Date: October 13, 2022
RE: Assessing Maps 9B and 9D, Block 49, Lots 1, 35, 51, 58, 62, & 65
“Old Oaken Bucket Estates” Definitive Plan Resubmission

The Planning Board, pursuant to GL c.41, §81U, duly posted, advertised, opened, held and closed a public hearing regarding the Old Oaken Bucket Estates Definitive Subdivision Application identified below and deliberated and voted to **GRANT** the requested relief, all as set forth below.

Property: (“Property”) **Size:** 36.52 Acres (1,590,712 sf)
Assessing: Maps 9B and 9D, Block 49
Lots 1, 35, 51, 58, 62, & 65
Location: 292 Cross St, 322 Old Oaken Bucket; and
Land Off Winter St, Cross St and Old Oaken Bucket
Zoning: Residence A

Title of Plan: (“Plan”) “Old Oaken Bucket Estates Definitive Subdivision Plan (Portion of Assessor’s Map 59, Lots 1, 35, 51, 58, 62 and 65),” consisting of 34 Sheets, dated November 8, 2017, as rev’d through August 12, 2022, and as prepared by Morse Engineering Co, Inc. and signed and stamped by Gregory J. Morse, P.E. (#47105) and Jason Scott, P.L.S (#51276).

Project Details: Subdivide 36.52 Acres into 26 residential lots, together with road, drainage and other infrastructure and non-buildable parcels as shown on the Plan.

Application: Received by the Planning Department on September 1, 2022 and submitted at the next Planning Board meeting on September 14, 2022.

Applicant: Kopacz Family Real Estate Trust
P.O. Box 787, Norwell, MA 02061
617-840-9166 / JohnKopacz@mertech.com

Owners: Block 49, Lot 1, 35, 62 and 65
Kopacz Family Real Estate Trust
John Kopacz, Trustee
283 Winter Street, Norwell, MA 02061
617-840-9166 / JohnKopacz@mertech.com

Block 49, Lot 51
Brant Point Holdings, LLC
283 Winter Street, Norwell, Ma 02061
617-840-9166 / JohnKopacz@mertech.com

Block 49, Lot 58
Webster Cranberry, LLC
283 Winter Street
Norwell, Ma 02061
617-840-9166
JohnKopacz@mertech.com

Preliminary Plan: None

Final Action Deadline: 135 days following September 14, 2022, submission to the Planning Board (G.L. c.41, §81U). **January 28, 2022**

Public Hearing: The public hearing opened on September 28, 2022, continued on October 12, 2022 and was closed on October 12, 2022.

Members: Members Brian Greenberg, Donald Mauch, Brendan Sullivan and Michael Tobin were present at the public sessions.

SUMMARY OF PLANNING BOARD ACTION:

The Plan is a revision and resubmission of a plan previously granted definitive subdivision approval on May 8, 2019, under the 2006 Subdivision and Land Development Rules and Regulations. The Plan was resubmitted because the earlier approved plan was not timely endorsed. On September 28, 2022, the Planning Board voted to determine that the Plan (as revised through August 12, 2022, is identical to the definitive subdivision plan approved by the Planning Board in May of 2019 except for ownership changes and the minor changes noted in the September 26, 2022, Chessia Consulting Services LLC peer review report. The lot layout and drainage and road infrastructure are the same.

On September 28, 2022, the Planning Board voted to grant the subdivision relief for the Plan subject to preparation and review of a decision reflecting the minor changes to the Plan and adding the following additional conditions:

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2022 OCT 13 AM 11:00

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- i. *Prior to approval, the applicant's attorney shall provide a certification that he has read the title to the property and that all owners of record have joined in this application.*
- ii. *Prior to endorsement, the applicant's attorney shall review the endorsement requirements and provide a certification that each requirement has been satisfied and provide the necessary documentation.*
- iii. *Prior to endorsement, an updated surety covenant shall be provided that is executed by all owners of record for the property and all mortgagees of record; and applicant's counsel shall provide a certification that he has read the title and all owners and mortgagees of records have duly executed the surety.*
- iv. *Prior to endorsement, the resubmitted plan shall be prepared for endorsement by:*
 - a. *Adding a table to the cover sheet that shows the impervious surface coverage limits for each building lot;*
 - b. *Placing all conditions of approval in any decision of approval on the resubmitted plan; and*
 - c. *Being provided to the Planning Office and to the Planning Board's peer view engineer for peer review.*

The Planning Board voted to find and determine as follows:

The Town of Norwell has adopted the provisions of G.L. c.40, §57. The Planning Board has determined that there are local taxes, fees, assessments, betterments and/or other municipal charges (collectively, the "Municipal Charges"), regarding the Property, that have been neglected or otherwise not paid as of the date of this approval. The Planning Board hereby notifies the Applicant gives written notice that it will notice and hold a hearing to revoke the instant subdivision approval if the Municipal Charges are not paid in full and up to date before any conveyance of the Property occurs. If such a conveyance occurs, the Planning Board will provide the notice to hold a public hearing in order to revoke the subdivision approval.

On October 12, 2022, the Planning Board voted to close the public hearing and then voted to adopt this decision in its entirety:

Greenberg: Aye
 Mauch: Aye
 Sullivan: Aye
 Tobin: Aye

Documents Submitted for the Application:

The record for this Decision is composed of the following materials:

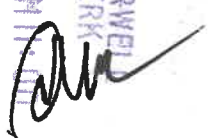
"Old Oaken Bucket Estates" (September 2022 Resubmission)
 Definitive Plan: Certificate of Action – Page 3 of 52

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 2022 OCT 13 AM 11:00
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A. All of the material submitted for the prior plan which was approved in May of 2019 which included the following:

1. Staff Memorandum – Definitive Plan: Old Oaken Bucket Estates: Street Names, prepared by Town Planner Kenneth R. Kirkland, dated May 8, 2019.
2. Staff Memorandum – Definitive Plan: Old Oaken Bucket Estates, prepared by Town Planner Kenneth R. Kirkland, dated May 8, 2019.
3. Definitive Plan entitled “Old Oaken Bucket Estates” prepared by Gregory J. Morse, P.E., of Morse Engineering Co., Inc.; dated November 8, 2017, as revised through March 5, 2019.
4. Construction Plan entitled “Old Oaken Bucket Estates” prepared by Gregory J. Morse, P.E., of Morse Engineering Co., Inc.; dated April 2, 2018, as revised through March 5, 2019.
5. Planning Form C – (Application for Approval of Definitive Plan), signed by Applicant Kopacz Family Real Estate Trust, and Owners Kopacz Family Real Estate Trust, Martha Kopacz, Howard A Cole Revocable Trust, and Joan L. Cole Revocable Trust; dated November 22, 2017.
 - a. Engineer’s Certificate, signed by Gregory J. Morse, P.E., of Morse Engineering Co., Inc.; dated November 22, 2017.
 - b. Surveyor’s Certificate, signed by Stephen F. Moran, P.L.S., of Morse Engineering Co., Inc.; dated November 22, 2017.
 - c. Trustee Certificate – Kopacz Family Real Estate Trust, signed by John Kopacz; dated November 21, 2017.
 - d. Trustee Certificate – Howard A. Cole Revocable Trust, signed by Howard A. Cole; dated November 21, 2017.
 - e. Trustee Certificate – Joan L. Cole Revocable Trust, signed by Joan L. Cole; dated November 21, 2017.
 - f. Planning Form C-4 – (Public Hearing Notice Authorization), signed by Applicant Kopacz Family Real Estate Trust., dated December 21, 2017.
 - g. Planning Form D – (Assessor’s Certified List of Abutters), signed by Applicant Kopacz Family Real Estate Trust; dated January 10, 2018; certified by Town Assessor; dated January 17, 2018.
 - h. Filing Fee in the form of check #3413, for \$46,200.00 from Applicant Kopacz Family Real Estate Trust; dated December 1, 2017.
 - i. Consultant Review Fee Deposit in the form of check #3414, for \$20,000.00 from Applicant Kopacz Family Real Estate Trust; dated December 1, 2017.
 - j. Letter of Waiver Requests signed by Gregory J. Morse, P.E., of Morse Engineering Co., Inc.; dated November 22, 2017, as revised through February 22, 2019.
6. Stormwater Report & Calculations, prepared by Gregory J. Morse, P.E., of Morse Engineering Co., Inc.; dated November 8, 2017, as revised through February 22, 2019.
 - a. Appendix A – Cranberry Bogs Not Actively Farmed, Pre & Post Conditions HydroCAD Analysis, prepared by Gregory J. Morse, P.E., of Morse Engineering Co., Inc.; dated November 8, 2017, as revised through February 22, 2019.
 - b. Appendix B – Cranberry Bogs Actively Farmed, Pre & Post Conditions HydroCAD Analysis, prepared by Gregory J. Morse, P.E., of Morse Engineering Co., Inc.; dated November 8, 2017, as revised through February 22, 2019.
 - c. Appendix C – Summary of Stormwater Standards Compliance, Proposed Conditions HydroCAD Analysis Summary, Supplemental Drainage Calculations, Illicit Discharge Compliance Statement, prepared by Gregory J. Morse, P.E., of Morse Engineering Co., Inc.; dated November 8, 2017, as revised through February 22, 2019.


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- d. Appendix D – Soil Testing Results, prepared by Gregory J. Morse, P.E., of Morse Engineering Co., Inc.; dated November 8, 2017.
 - e. Appendix E – Construction Phase & Post Construction Operation & Maintenance Plan, prepared by Gregory J. Morse, P.E., of Morse Engineering Co., Inc.; dated November 8, 2017, as revised through February 22, 2019.
 - f. Appendix F – Temporary Sediment Basin Calculations, Construction Phase HydroCAD Analysis, prepared by Gregory J. Morse, P.E., of Morse Engineering Co., Inc.; dated November 8, 2017, as revised through February 22, 2019.
 - g. Pre-Development Watershed Delineation Plan, (WS-1), prepared by Gregory J. Morse, P.E., of Morse Engineering Co., Inc.; dated November 8, 2017, as revised through February 22, 2019.
 - h. Post-Development Watershed Delineation Plan, (WS-2), prepared by Gregory J. Morse, P.E., of Morse Engineering Co., Inc.; dated November 8, 2017, as revised through February 22, 2019.
 - i. Closed Drainage System Watershed Delineation Plan, (WS-3) prepared by Gregory J. Morse, P.E., of Morse Engineering Co., Inc.; dated November 8, 2017, as revised through February 22, 2019.
 - j. Construction Phase Watershed Delineation Plan, (WS-4) prepared by Gregory J. Morse, P.E., of Morse Engineering Co., Inc.; dated November 15, 2018, as revised through February 22, 2019.
7. Engineering Review – Definitive Subdivision, prepared by John C. Chessia, P.E., of Chessia Consulting Services; dated January 17, 2018.
 8. Draft OOB Estates Access, Utility, and Drainage Easement Agreement; dated February 14, 2018.
 9. Draft OOB Estates Homeowners’ Association Trust; dated February 14, 2018.
 10. Hydrant Flow Test Report, prepared by John Hoadley and Sons, Inc.; dated March 1, 2018.
 11. Engineering Response, prepared by Gregory J. Morse, P.E., of Morse Engineering Co., Inc.; dated March 7, 2018.
 12. Traffic Impact Study, prepared by McMahan Associates, Inc.; dated March 7, 2018.
 13. Engineering Review – Traffic Analysis, prepared by Jeffrey S. Dirk, P.E., of Vanasse & Associates; dated March 21, 2018.
 14. Lot Closure Calculations, prepared by Gregory J. Morse, P.E., of Morse Engineering Co., Inc.; dated April 2, 2018, as revised through March 5, 2019.
 15. Engineering Response to 1.17.18 Review – Definitive Subdivision, prepared by Gregory J. Morse, P.E., of Morse Engineering Co., Inc.; dated April 4, 2018.
 16. Supplemental Engineering Review – Traffic Analysis, prepared by Jeffrey S. Dirk, P.E., of Vanasse & Associates; dated April 12, 2018.
 17. Engineering Review – Definitive Subdivision, prepared by John C. Chessia, P.E., of Chessia Consulting Services; dated April 18, 2018.
 18. OOB Road Sight Easement Agreement, signed by Curtis D. Chin, Stephanie L. Bliss, and Martha Kopacz; dated April 24, 2018.
 19. Engineering Report – Reservoir Water Storage Report, prepared by Daniel A. Barnett, P.E., of USDA – Natural Resources Conservation Service; dated May 15, 2018.
 20. Engineering Response to 4.18.18 Review – Definitive Subdivision, prepared by Gregory J. Morse, P.E., of Morse Engineering Co., Inc.; dated May 23, 2018.
 21. Town and Country Luminaire Street Light Detail; dated May 23, 2018.
 22. Soil Suitability Assessment, evaluated by James Garfield; dated May 23, 2018.
 23. Engineering Review – Definitive Subdivision, prepared by John C. Chessia, P.E., of Chessia Consulting Services; dated June 6, 2018.

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24. Planning Form J – (Mullin’s Rule Certification), signed by Member Campbell for June 13, 2018 Meeting; dated June 27, 2018.
25. Engineering Review – Definitive Subdivision, prepared by John C. Chessia, P.E., of Chessia Consulting Services; dated July 18, 2018.
26. Memorandum of Waiver Support; dated July 25, 2018.
27. Planning Form J – (Mullin’s Rule Certification), signed by Member Mauch for July 25, 2018 Meeting; dated September 12, 2018.
28. Engineering Review – Definitive Subdivision, prepared by John C. Chessia, P.E., of Chessia Consulting Services; dated September 19, 2018.
29. Engineering Response to 9.19.18 Review – Definitive Subdivision, prepared by Gregory J. Morse, P.E., of Morse Engineering Co., Inc.; dated October 3, 2018.
30. Engineering Review – Definitive Subdivision, prepared by John C. Chessia, P.E., of Chessia Consulting Services; dated October 17, 2018.
31. Engineering Review – Definitive Subdivision – Summary of Issues for 10/24 Planning Board Meeting, prepared by John C. Chessia, P.E., of Chessia Consulting Services; dated October 22, 2018.
32. Engineering Review – Definitive Subdivision – Summary of Issues for Conservation Commission Meeting, prepared by John C. Chessia, P.E., of Chessia Consulting Services; dated October 22, 2018.
33. Engineering Response to 10.17.18 Review – Definitive Subdivision, prepared by Gregory J. Morse, P.E., of Morse Engineering Co., Inc.; dated November 15, 2018.
34. Quitclaim Deed from Howard A. & Joan L. Cole to Henry F. Barry; dated April 12, 1996, received November 15, 2018.
35. Engineering Response to Construction Comments on 10.17.18 Review – Definitive Subdivision, prepared by Gregory J. Morse, P.E., of Morse Engineering Co., Inc.; dated November 20, 2018.
36. Engineering Review – Definitive Subdivision, prepared by John C. Chessia, P.E., of Chessia Consulting Services; dated December 7, 2018.
37. Engineering Review – Definitive Subdivision – Summary of Issues for 12/11 Planning Board Meeting, prepared by John C. Chessia, P.E., of Chessia Consulting Services; dated December 11, 2018.
38. Engineering Response to 12.7.18 Review – Definitive Subdivision, prepared by Gregory J. Morse, P.E., of Morse Engineering Co., Inc.; dated January 2, 2019.
39. Engineering Review – Definitive Subdivision – Hydrology, prepared by John C. Chessia, P.E., of Chessia Consulting Services; dated January 18, 2019.
40. Engineering Review – Definitive Subdivision – Summary of Issues for 2/5 Conservation Commission Meeting, prepared by John C. Chessia, P.E., of Chessia Consulting Services; dated January 28, 2019.
41. Engineering Response to 1.18.19 Review – Definitive Subdivision – Hydrology, prepared by Gregory J. Morse, P.E., of Morse Engineering Co., Inc.; dated January 31, 2019.
42. Engineering Review – Definitive Subdivision, prepared by John C. Chessia, P.E., of Chessia Consulting Services; dated February 6, 2019.
43. Engineering Review – Definitive Subdivision – Summary of Issues for 2/13 Planning Board Meeting, prepared by John C. Chessia, P.E., of Chessia Consulting Services; dated February 13, 2019.
44. Engineering Response to 2.13.19 Review – Definitive Subdivision – Summary of Issues for Planning & Engineering Response to 2.6.19 Review – Definitive Subdivision, prepared by Gregory J. Morse, P.E., of Morse Engineering Co., Inc.; dated February 22, 2019.

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45. Engineering Review – Definitive Subdivision, prepared by John C. Chessia, P.E., of Chessia Consulting Services; dated April 1, 2019.
46. Purchase & Sale Agreement, signed by John & Martha Kopacz, Kopacz Family Realty Trust, Brant Point Holdings LLC, and Toll Bros., Inc.; dated December 4, 2018, received April 30, 2019.
47. Minutes from the public hearing, which consisted of 14 sessions, from January 24, 2018 through May 8, 2019.
48. The Certificate of Action filed with the Town Clerk on May 15, 2022.

B. Material Submitted for the current 2022 Application:

1. The Application identified above.
2. The Plan identified above.
3. A Waiver Request, as amended on September 28, 2022, to match the waivers submitted for the earlier plan.
4. Chessia Consulting Services LLC peer review report to compare the differences between the plan set approved in May 2019 to the current Plan.

Title Certification to the Planning Board from Attorney Walter Sullivan regarding the current owners of the Property.

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Waivers:

The Waiver Request for the Application and Plan are now identical to the waivers submitted for the plan approved during May 2019 and which were acted upon in 2019 as follows and, on September 28, 2022, the Planning Board (4-0) voted to take the same action and APPROVE the same waiver request.

Pursuant to MGL c.41 §81R, §7.3.3, and 7.4.5.5 of the Subdivision and Land Development Rules & Regulations, the Applicant requested the following waivers in a letter dated February 22, 2019 and repeated the identical waiver request on September 28, 2022 and the Board voted (4-0) to take the same action now as was voted in 2019 as follows:

- **§7.4.4.15 Plan Contents – Existing Trees**
 Applicant requests total waiver, (not show existing planted trees and individual trees located within a wooded area.)
2019 Staff Response: The purpose of this Regulation is to identify existing trees that could be saved during development. The Applicant’s Waiver Letter states existing stands near Cross Street, as well as individual trees that can be feasibly saved. A majority of existing trees are remnants from the previous nursery / tree farm operation and are not of salvageable quality.
The Board finds this waiver can be granted without derogating from the Regulations.
- **§8A.2 Street Design – Typical Street Section – Crowning**
 Applicant requests a partial waiver to have the subdivision roadway cross-slope (proposed) where it meets Cross Street and Old Oaken Bucket Road, instead of a ¼"/ft. crown, (required).
2019 Staff Response: The purpose of this Regulation is to match roadway design with current



best construction practices. The Applicant's Waiver Letter states the requirement is met in all other locations except for where the proposed road intersects with existing streets. The waiver is to match the proposed roadway with current conditions on existing streets. **The Board finds this waiver can be granted without derogating from the Regulations.**

▪ §8A.8 Street Design – Driveway Intersections

Applicant requests total waiver, (to allow the existing gravel farm access driveway to remain).

2019 Staff Response: The purpose of this Regulation is to prevent roadways from being located in close proximity to existing driveways to ensure safety. The gravel driveway provides operational access to Webster Cranberry Farm and is used for seasonal farming-associated activities, not dwelling units.

The Board finds this waiver can be granted without derogating from the Regulations.

▪ §8A.19 Street Design – Shoulders

Applicant requests a partial waiver to allow shoulders from the back edge of the sidewalks to slope towards a drainage swale, (proposed) instead of the roadway surface, (required).

Staff Response: The purpose of this Regulation is to channel stormwater towards right-of-way stormwater management systems. The Applicant has stated and designed the Project in such a manner to channel as much water towards the cranberry farm in order to maintain the agricultural operation.

The Board finds this waiver can be granted without derogating from the Regulations.

▪ §8A.20 Street Design – Curbing

Applicant requests a partial waiver to allow a break in the curbing at the subdivision roadway intersection with Old Oaken Bucket Road, (proposed) to prevent puddling, instead of continuous curbing, (required).

2019 Staff Response: The purpose of this Regulation is to prevent curb erosion at street corners. The Applicant's Waiver Letter states the requirement is met in all other locations except for where the proposed road intersects with Old Oaken Bucket Road to prevent ponding.

The Board finds this waiver can be granted without derogating from the Regulations.

▪ §8C Drainage Design

Applicant requests a total waiver to allow stormwater to travel off-site to the adjacent cranberry farm, (proposed), instead of keeping it onsite, (required).

Staff Response: The purpose of this Regulation is to ensure that stormwater is treated onsite, and that post-development discharge volumes and velocities do not exceed pre-development values. This is a basic tenet of the Subdivision and Land Development Rules & Regulations and the MassDEP Stormwater Management Regulations.

This Project was designed to channel, treat, and discharge stormwater offsite into the adjacent Webster Cranberry Farm. This design enables the Farm to remain agriculturally productive by providing a consistent, engineered flow of treated water to the Farm. The Applicant's Engineer stated that the Project's utilization of the Farm's bog system would meet post-development discharge requirements stipulated in the MassDEP Stormwater Management Regulations.

As part of this Waiver, the Board required the Applicant and their Engineer to provide

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detailed Stormwater Calculations that illustrate discharge figures in four (4) scenarios. 1) Pre-development with active farming; 2) Pre-development with farming abandoned; 3) Post-development with active farming; and, 4) Post-development with farming abandoned. The Board required figures for active and abandoned scenarios to ensure the discharge values remained the same if the Farm was abandoned in the future.

The Applicant and their Engineer provided these figures, which indicated the post-development discharge rates did not increase. It is important to note that the Board required the “measurement point,” (the point at which post-development discharge rates were to be measured), to be through the Cross Street culvert, through the end of the Cross Street bog. Due to HydroCAD software limitations, the Applicant and their Engineer were unable to provide data to that point, but a measurement point through the Cross Street culvert indicated post-development discharge rates did not increase.

In the event the Farm is abandoned in the future, the Conservation Commission’s Order of Conditions requires the Applicant to set aside funds for an engineering study to address the Commission’s requirement that the bog system be restored according to recommendations that would be provided by MassDEP – Division of Ecological Restoration. This study would consider the stormwater management utilization as part of the restoration actions.

A Waiver is a variance from the established rules and regulations due to a substantial hardship, and should only be considered due to unique, extenuating circumstances unique to the site. In particular, Norwell identifies a hardship can be “...owing to circumstances relating to...shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located.” MGL c.41 §81R further allows the Board to waive strict compliance “where such action is in the public interest and not inconsistent with the intent and purpose of the subdivision control law.”

The cranberry farming operation is unique to the site, not the Residential District or the Subdivision Rules & Regulations. The Applicant has expressed the economic and environmental hardships being faced, has proposed a solution that is beneficial to their needs (remaining operational) as well as the Town’s interests (ensure continued viability of a beloved site). Given the unique site characteristics, and the Site’s significance as identified within the Master Plan, the consideration and potential granting of this Waiver is appropriate.

The Board finds this waiver can be granted without derogating from the Regulations.

▪ §8C.1.b Drainage Design – ASCE Standards – TSS Removal

Applicant requests a partial waiver to design the stormwater management system according to MassDEP Stormwater Management Regulations.

Staff Response: The purpose of this Regulation is to ensure proper removal of Total Suspended Solids. The Applicant’s Waiver Letter states the stormwater management systems will be designed in accordance with MassDEP Stormwater Management Regulations for subdivision projects, and not ASCE Standards.

The Board finds this waiver can be granted without derogating from the Regulations.

▪ §8C.3.5 Drainage Design – Minimum Design Criteria – Maximum Depth for 2-Yr. Storm Event

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Applicant requests a partial waiver to increase maximum depth of detention basin from 2 feet (required) to 4.15 feet (proposed).

Staff Response: The purpose of this Regulation is to set a maximum basin depth within 2-year storm event. The Applicant's Waiver Letter states the stormwater management systems will be designed in accordance with MassDEP Stormwater Management Regulations for subdivision projects, which specifically calls for deeper basin depths to facilitate plantings that provide stormwater treatment.

The Board finds this waiver can be granted without derogating from the Regulations.

- §8C.3.6 Drainage Design – Minimum Basin Design Criteria – Maximum Depth for 100-Yr. Storm Event

Applicant requests a partial waiver to increase maximum depth of detention basin from 4 feet (required) to 5.75 feet (proposed).

Staff Response: The purpose of this Regulation is to set a maximum basin depth within 2-year storm event. The Applicant's Waiver Letter states the stormwater management systems will be designed in accordance with MassDEP Stormwater Management Regulations for subdivision projects, which specifically calls for deeper basin depths to facilitate plantings that provide stormwater treatment.

The Board finds this waiver can be granted without derogating from the Regulations.

- §8C.4.1 Drainage Design – Minimum Pipe Design Criteria – Cover

Applicant requests a partial waiver to decrease pipe coverage from 2.5' (required) to 1.5' feet (proposed).

Staff Response: The purpose of this Regulation, existing site and roadway conditions, together, require this waiver request.

The Board finds this waiver can be granted without derogating from the Regulations.

- §8C.6 Drainage Design – HOA Ownership

Applicant requests a partial waiver to allow the HOA, for the cranberry farm's stormwater management purpose, to own an easement over the farm property, (proposed), instead of outright ownership, (required).

Staff Response: The purpose of this Regulation is to ensure that a Project's stormwater management system is under direct control of the Developer, and eventually the HOA. Given the unique site characteristics and the other Waivers requested for the Project, this Waiver must be considered in direct connection with the §8C – Drainage Design Waiver. The Applicant's Waiver Letter states that the Project's HOA would retain a controlling drainage / stormwater easement over the adjacent bog system. This legal instrument is critical to enable the stormwater management system to operate as designed. As with all easements, the language and legal description would be present on both the Project and bog deeds, and would indicate dominant (HOA), and servient (bogs) status, and would be reviewed by Town Counsel for appropriate form and language. The easement language would be clearly available to buyers and sellers, and discoverable in a title search. An easement travels with the land and is not extinguished by the purchase or sale of land. In other words, if the Farm is sold to another individual, the easement prohibits the new Owner from denying the HOA's right to use the bogs for stormwater management purposes.

The Board finds this waiver can be granted without derogating from the Regulations.

- §8D.2 Water Provisions – Water Main Design & Installation

Applicant requests a partial waiver to reduce the distance a water main must be from a catch

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basin from 3' (required) to 1.5' (proposed).

Staff Response: Staff has consulted with Water Superintendent regarding this waiver. Water Superintendent has stated the proposed design is appropriate given no other design is feasible.

The Board finds this waiver can be granted without derogating from the Regulations.

▪ 8H.1 Sidewalks & Plantings – Sidewalks

Applicant requests a partial waiver to reduce sidewalks from both sides (required) to only one (1) side (proposed).

Staff Response: The Applicant, Highway Surveyor, and Planning Board have discussed the issue of roadway moratorium, which prohibits roadway openings on recently repaved streets for five (5) years. The Applicant's project is located on two such roadways. The Applicant has been working with Highway Surveyor to address this issue, and the Planning Board has indicated a willingness to consider a sidewalk reduction in exchange for working with Highway Surveyor to cover the cost of repaving the impacted stretches of Winter Street and/or Old Oaken Bucket Road.

The Board finds this waiver can be granted without derogating from the Regulations.

Findings of Fact:

The Planning Board made the following Findings of Fact in the May 15, 2019 Certificate of Action and voted on October 12, 2022 to **ADOPT** the following Findings:

Definitive Plan Criteria for Approval:

1. MGL c.41 §81U ¶2 – Compliance with Subdivision Control Law:

- (a) Plan Submission: A Plan **WAS** submitted showing proposed lots and the way(s) providing access to said lots pursuant to MGL c.41 §81O.
- (b) Preliminary Plan Submission: A Preliminary Plan **WAS NOT** submitted pursuant to MGL c.41 §81S. Submission of a Preliminary Plan is **NOT** a requirement for residential Definitive Plans.
- (c) Notice to Town Clerk: Written notice of the earlier Definitive Plan **WAS** submitted to Town Clerk pursuant to MGL c.41 §81T. The Plan was date stamped received on November 22, 2017. The current Plan **WAS** submitted to the Town Clerk on September 8, 2022.
- (d) Public Hearing: A public hearing **WAS** held by the Planning Board on the earlier plan that opened on January 24, 2018 pursuant to MGL c.41 §81T. The Notice of Public Hearing was advertised in the Patriot Ledger, a newspaper of general circulation in the Town of Norwell on 1/8/18 and 1/16/18. A public hearing **WAS** duly noticed, advertised and held by the Planning Board on the current Application and Plan on September 28, 2022 and October 12, 2022 and was closed on October 12, 2022.

2. MGL c.41 §81U ¶2 – Compliance with Subdivision and Land Development Rules & Regulations (SRR):

- (a) Complete Application Submission: A Complete Application Packet for Approval of a Definitive Plan **WAS** submitted pursuant to SRR §§7.3.1-4.
- (b) Application Delivery: The earlier Complete Application Packet **WAS** submitted to the Planning Office on September December 13, 2017 pursuant to SRR §7.3.5 and the current Application was received by the Planning Office on September 1, 2022 and submitted to the Planning Board on September 14, 2022.

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- (c) Notice Filed with Town Clerk: The earlier Complete Application Packet **WAS** submitted to Town Clerk pursuant to SRR §7.3.6. The Plan was date stamped received on November 22, 2017. The current Application was filed with the Town Clerk on September 8, 2022.
- (d) Notice Filed with Board of Health: The earlier Complete Application Packet **WAS** submitted to Board of Health pursuant to SRR §7.3.7. The earlier plan was date stamped received on November 22, 2017. The current Plan was received on September 1, 2022 by the Planning Office and by the Planning Board on September 14, 2022 and a revised plan was received on September 9, 2022. The Applicant submitted the Plan to the Board of Health on September 8, 2022. On October 12, 2022, the Board of Health approved the instant plan.
- (e) Definitive Plan Submission:
- (f) The earlier, complete Definitive Plan entitled “Old Oaken Bucket Estates” prepared by Gregory J. Morse; P.E., of Morse Engineering Co., Inc.; dated November 8, 2017, as revised through March 5, 2019, based on a ground survey, performed by Stephen F. Moran, P.L.S., of Morse Engineering Co., Inc.; dated November 2015 – October 2017, **WAS** submitted pursuant to SRR §§7.4.1-4 for the prior proceeding. The Application and Plan as described above was submitted on September 1, 2022, to the Planning Office (revised plan on September 9, 2022) and to the Planning Board on September 14, 2022.

*Regulation §7.3 requires that all Applicants applying for Definitive Subdivision Plan approval shall provide the Application materials as required. The Board finds that this requirement **was satisfied**.*

The Plan is compliant with requirements of the Board’s Subdivision Rules and Regulations.

*Regulation §7.3.1 requires that the Applicant shall submit the required number of copies of the Form C application, the Definitive Plan, and an electronic version of all materials. The Board finds this requirement **was satisfied**.*

The materials were submitted in the proper formats as required.

*Regulation §7.3.2 requires that the Applicant shall submit a certified list of abutters as part of the Form C application. The Board finds this requirement **was satisfied**.*

The materials were submitted as required.

*Regulation §7.3.3 requires that the Applicant, all owners of record, the engineer, and the surveyor who prepared the Plan shall sign the Form C Application. The Board finds this requirement **was satisfied**.*

All signatures were present as required.

*Regulation §7.3.4 requires that the fee set forth on the Schedule of Fees (i.e., \$5,500.00 filing, plus \$1,110.00 per proposed lot, plus the Technical Review Fee of either \$5,000.00 or \$20,000 for plans with twenty (20) or more proposed lots) shall be paid. The Board finds that this requirement **was satisfied** as to the prior plan and finds that a waiver was granted to reduce the filing fee for the current Application and the reduced fee was received in the amount of \$5,000.*

The proper Filing Fee in the form of check #3413 of \$46,200.00 (\$16,500 + (\$1,100 x 27 lots)) was provided from Applicant Kopacz Family Real Estate Trust; dated December 1, 2017 and a further, reduced filing fee for the current Application was duly received.



The proper Consultant Review Fee in the form of check #3414, for \$20,000.00 was provided from Applicant Kopacz Family Real Estate Trust; dated December 1, 2017 and the required fee for the current Application was duly received as well.

Regulation §7.3.5 states that a Definitive Subdivision Plan shall be submitted at a regular Planning Board meeting or by registered mail. The Board finds that this requirement was satisfied.

The Plan shall be considered submitted on December 13, 2017 before the Planning Board.

Regulation §7.3.7 states that pursuant to MGL c.41 §81U¶1 an application for a Definitive Subdivision Plan shall be simultaneously submitted to the Board of Health and shall provide evidence of submission to the Planning Board. The Board finds that this requirement was satisfied.

The earlier Plan was date stamped by Board of Health on November 22, 2017. The current Plan was date stamped by the Board of Health on September 8, 2022.

Regulation §7.4 requires that all Definitive Subdivision Plans shall conform to the following requirements. The Board finds that this requirement was satisfied.

The Plan is compliant with all requirements §7.4 of the Board's Subdivision Rules and Regulations.

Regulation §7.4.1 states that a Definitive Subdivision Plan shall be prepared by a Registered Professional Land Surveyor and a Registered Professional Engineer, who shall each stamp their individually prepared plan sheets. The Board finds that this requirement was satisfied.

The Plan meets this requirement.

Regulation §7.4.2 requires that the Definitive Subdivision Plan shall be based upon an on-the-ground survey (conforming to the requirements of the Land Court, Class A as set forth in the most recent manual of the Land Court) that was performed by a Registered Professional Land Surveyor. The Plan shall contain a note that indicates the method of surveying, the date of the survey, and a certification that the survey as performed conforms to the requirements of the Land Court. The Plan Sheet containing this note shall be signed and stamped by the Registered Professional Land Surveyor who performed the survey. The Board finds that this requirement was satisfied.

The Plan meets this requirement.

Regulation §7.4.3 required that a Definitive Subdivision Plan shall be a dimension of twenty-four (24) inches by thirty-six (36) inches with a one (1) inch border except on the left side where the border shall be two and one-quarter (2¼) inches and shall be drawn at a scale of one-inch equals forty feet. If multiple sheets are required, they shall be numbered consecutively in the lower right-hand corner and set forth a title and be accompanied by an index sheet that shows the proposed layout of the entire subdivision and lists the title of each subsequent sheet. A glossary of terms and symbols that explains the terms and symbols used in the Plan Set shall be provided on the title sheet. The Board finds that this requirement was satisfied.

The Plan meets this requirement.



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Regulation §7.4.4.1 required that a Definitive Subdivision Plan shall contain a title block on each sheet that sets forth:

- a. The name of the proposed subdivision;*
- b. The date of the Plan and each revision date;*
- c. The scale of the Plan;*
- d. The name and address of the Definitive Subdivision Applicant;*
- e. The name and address of each owner of record;*
- f. The name, address, and telephone number of the Registered Professional Land Surveyor and Registered Professional Engineer who prepared the Plan;*
- g. A north point;*
- h. Benchmarks;*
- i. The name of the Plan Sheet; and,*
- j. The number of the Plan Sheet, (e.g., 1 of 1)*

*The Board finds that this requirement **was satisfied**.*

The Plan meets this requirement.

*Regulation §7.4.4.2 requires adequate space above the title block for the Planning Board's endorsement on each sheet. The Board finds that this requirement **was satisfied**.*

The Plan meets this requirement.

*Regulation §7.4.4.3 requires a locus map at a scale of 1" = 1000' showing the streets in the immediate vicinity on the title sheet shall be placed on the Plan. The Board finds that this requirement **was satisfied**.*

The Plan meets this requirement.

*Regulation §7.4.4.4 requires that the names of all abutters, including those separated from the subdivision by only a street, as they appear on the most recent tax list, and approximate intersecting boundary lines of the abutting lands shall be shown on the Plan. The Board finds that this requirement **was satisfied**.*

The Plan meets this requirement.

*Regulation §7.4.4.5 requires the Assessor's Map and parcel reference information for the locus shall be shown on the Plan. The Board finds that this requirement **was satisfied**.*

The Plan meets this requirement.

*Regulation §7.4.4.6 requires that the Zoning Classification (and requirements) shall be detailed in a note and any zoning boundary(s) shall be shown on the Plan. The Board finds that this requirement **was satisfied**.*

The Plan meets this requirement.

*Regulation §7.4.4.7 requires that the lines of existing and proposed streets, ways, lots, easements, and public or common areas shall be shown on the Plan. The Board finds that this requirement **was satisfied**.*

The Plan meets this requirement.

*Regulation §7.4.4.8 requires that the proposed names of streets (though not final until approved by the Planning Board) shall be shown on the Plan. The Board finds that this requirement **was satisfied**.*

The Plan meets this requirement.

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*Regulation §7.4.4.9 requires that existing and proposed boundary lines and the dimension and area of each parcel and lot be shown on the Plan with all bounds keyed into the Mass Grid system. At least two bounds shall reference the corresponding Massachusetts grid coordinates. If the division is within 500 feet of a highway or road that has been laid out by the Town of Norwell, Plymouth County Commissioners, or the Massachusetts Department of Transportation, the division shall also be tied into two or more permanent points or bounds of the existing highway or road by bearing and distance. The Board finds that the requirement **was satisfied**.*

The Plan meets this requirement.

*Regulation §7.4.4.10 requires that sufficient data to determine the location, direction, and length of every street and way line, lot line, and boundary line shown on the Plan so as to establish these lines on the ground. Closure information shall be provided to indicate all street corners with a relative error of closure of property line traverse that shall be less than 1 part in 12,000. All monuments referenced in the closure shall be indicated on the Plan. A closure certification shall appear on the surveyor's drawing and be signed and stamped by the Registered Professional Land Surveyor. A copy of the traverse notes shall be furnished to the Planning Board upon request. The Board finds that this requirement **was satisfied**.*

The Plan meets this requirement.

Regulation §7.4.4.11 requires that acreage including total upland areas on the subject property and total wetland areas on the property and within 100 feet of each lot line, with bearings and length thereof in conformity with the Zoning By-Law in each case.

*The Board finds that this requirement **was satisfied**.*

The Plan meets this requirement.

*Regulation §7.4.4.12 requires that the location of all permanent monuments as defined in "Design Standards and Required Improvements", are properly identified as to whether existing or proposed. The Board finds that this requirement **was satisfied**.*

The Plan meets this requirement.

*Regulation §7.4.4.13 requires that the location, names, and present widths and grades of streets public and private ways bounding, approaching, or within reasonable proximity of the subdivision, with existing water, electrical, cable, gas, telephone, fire hydrants, and drainage facilities. The Board finds that this requirement **was satisfied**.*

The Plan meets this requirement.

*Regulation §7.4.4.14 requires that the location of existing roadways and driveways opposite or adjacent to the site are within 200 feet of the property limits. The Board finds that this requirement **was satisfied**.*

The Plan meets this requirement.

Regulation §7.4.4.15 requires so that drainage calculations and impacts can be properly understood and evaluated, the plan shall depict the location of major site features, such as existing stone walls, fences, buildings and all buildings within 50' of property limits; large trees, rock ridges and outcropping, bodies of water, natural waterways, the limits of all wetlands on and within 100 feet of the subdivision; all streams, including perennial and

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intermittent streams and other water bodies, located on the property and within 200 feet of the subdivision, as approved by the Conservation Commission or Department of Environmental Protection; flood plains located on the property and within 200 feet of the subdivision; and all existing culverts and drains on the property within 200 feet of the subdivision. The Board finds that this requirement was satisfied.

The Plan meets this requirement.

Regulation §7.4.4.16 requires the size and location of existing and proposed storm drains, water mains, utilities, and their appurtenances, including hydrants, within and adjacent to the subdivision. The Board finds that this requirement was satisfied.

The Plan meets this requirement.

Regulation §7.4.4.17.a requires that profile plans of proposed streets are drawn with a horizontal scale of one inch (1") equals forty feet (40'). The Board finds that this requirement was satisfied.

The Plan meets this requirement.

Regulation §7.4.4.17.b requires that profile plans of proposed streets are drawn with a vertical scale of one inch (1") equals four feet (4'). The Board finds that this requirement was satisfied.

The Plan meets this requirement.

Regulation §7.4.4.17.c requires that profile plans of proposed streets are drawn with an existing center line in fine solid black line. The Board finds that this requirement was satisfied.

The Plan meets this requirement.

Regulation §7.4.4.17.d requires that profile plans of proposed streets are drawn with an existing right-side line in dotted black line. The Board finds that this requirement was satisfied.

The Plan meets this requirement.

Regulation §7.4.4.17.e requires that profile plans of proposed streets are drawn with an existing left side line in fine dashed black line. The Board finds that this requirement was satisfied.

The Plan meets this requirement.

Regulation §7.4.4.17.f requires that profile plans of proposed streets are drawn with proposed center line grades in heavy lines, all appropriately designated showing grade elevations at every fifty (50) foot station, except on vertical curves where they shall be shown at every twenty-five (25) foot station and at P.V.C. and P.V.T. The Board finds that this requirement was satisfied.

The Plan meets this requirement.

Regulation §7.4.4.17.g requires that profile plans of proposed streets are drawn with the proposed system of drainage, including, but not limited to, catch basins, manholes and proposed rim elevations, inverts and pipe sizes, and stormwater management systems such as detention or retention basins and under drains. (See the General Rules and Regulations

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*of the Norwell Permanent Drainage Committee in the laws, as revised through November 1970.) The Board finds that this requirement **was satisfied**.*

The Plan meets this requirement.

*Regulation §7.4.4.17.h requires that profile plans of proposed streets are drawn with all existing intersecting walks and driveways. The Board finds that this requirement **was satisfied**.*

The Plan meets this requirement.

*Regulation §7.4.4.17.i requires that profile plans of proposed streets are drawn with elevations referring to mean sea level as established by the U.S. Coast and Geodetic Survey. The Board finds that this requirement **was satisfied**.*

The Plan meets this requirement.

*Regulation §7.4.4.17.j requires that profile plans of proposed streets are drawn with rates of gradient (% slope) shown by figures for roadways and drainage. The Board finds that this requirement **was satisfied**.*

The Plan meets this requirement.

*Regulation §7.4.4.18 requires that the typical section of proposed streets shall be shown on a profile plan in accordance with the typical cross-sections as shown in Appendix II. Typical Cross-Sections and Appendix III. Detail A. The Board finds that this requirement **was satisfied**.*

The Plan meets this requirement.

*Regulation §7.4.4.19 requires that profiles and cross-sections of drainage easements, existing water bodies, natural waterways, swamps and flood plains within and adjacent to the subdivision. The Board finds that this requirement **was satisfied**.*

The Plan meets this requirement.

*Regulation §7.4.4.20.a requires that existing and proposed topography shall be depicted on separate plan sheets and that contour intervals shall be one foot (1') where slopes are less than 5% and two feet (2') on slopes 5% or greater . The Board finds that this requirement **was satisfied**.*

The Plan meets this requirement.

*Regulation §7.4.4.20.b requires that existing and proposed topography shall be depicted on separate plan sheets and that existing contours shall be shown as dashed lines and proposed final contours as dark solid lines. The Board finds that this requirement **was satisfied**.*

The Plan meets this requirement.

*Regulation §7.4.4.20.c requires that existing and proposed topography shall be depicted on separate plan sheets and that contours shall extend beyond boundaries of the property a sufficient distance to indicate the effect of the subdivision on abutting property, at least 100 feet and such greater distance as the Planning Board may reasonably require in a particular instance . The Board finds that this requirement **was satisfied**.*

The Plan meets this requirement.

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Regulation §7.4.4.20.d requires that existing and proposed topography shall be depicted on separate plan sheets and that a note shall be placed on the plan indicating that the existing contours were determined pursuant to an on the ground survey and provide the date of the survey and the note shall be certified by the registered land surveyor who shall sign and stamp the sheet on which this note appears . The Board finds that this requirement was satisfied.

The Plan meets this requirement.

Regulation §7.4.4.21 requires that the location of the general soil classification boundaries are identified by the Natural Resources Conservation Service . The Board finds that this requirement was satisfied.

The Plan meets this requirement.

Regulation §7.4.4.22 requires soil evaluations and percolation tests. Soil test data should be provided for each proposed lot. Test locations shall be indicated on the plans and standard soil evaluation logs and percolation test forms provided. A minimum of two soil tests including percolation tests at the location of stormwater management systems shall be performed. Soil permeability testing may be required in infiltration systems. Soil testing at a minimum of every 250 feet along the roadway and at locations requested by the Planning Board, in order to demonstrate suitable soils for roadway construction. Soil testing shall be witnessed or confirmed by the Planning Board's technical consultant or by another person designated by the Planning Board within thirty days of the submission of a definitive plan. The Board finds that this requirement was satisfied.

The Plan meets this requirement.

Regulation §7.4.4.23 requires that each subdivision, regardless of size, shall be designed to meet the performance standards of the Department of Environmental Protection's Stormwater Management Policy. There shall be no net increase in runoff allowed and the storm drainage capacity shall be designed to handle two-year through 100-year storm events without creating a net increase in runoff or runoff. The Board finds that this requirement was satisfied.

The Plan meets this requirement.

Regulation §7.4.4.24 requires that the stormwater management system design shall be documented in a report submitted at the time of application. This report shall include all drainage calculations, proposed maintenance and operation requirements and provide a copy of the instrument(s) that are proposed to be used to create a homeowner's association that will own and maintain said system to allow the Planning Board to evaluate the adequacy of the proposed design. The Board finds that this requirement was satisfied.

The Plan meets this requirement.

Regulation §7.4.4.25 requires that the subdivision submission shall include a plan in the plan set that indicates the maximum build-out of the property. This plan shall indicate proposed buildings, driveways, lot grading for septic systems, limits of clearing, and any other pertinent data. This plan will be utilized to evaluate the proposed stormwater management system. The plan and associated drainage design shall demonstrate that no increase in runoff rate or flooding of adjacent properties or streets will result post-construction. All water runoff and flooding shall be controlled on site in any instance in which downstream receiving waters are not adequate to handle any portion of the runoff



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from a 2-year through 100-year storm event. The Board finds that this requirement was satisfied.

The Plan meets this requirement.

Regulation §7.4.4.26 requires that the proposed roadway centerline shall be staked at 50-foot intervals and be in place at the time of the Planning Board's site visit. Additional staking of drainage facilities, easements, and other areas may be required at the discretion of the Planning Board. The Board finds that this requirement was satisfied.

The Plan meets this requirement.

Regulation §7.4.4.27 requires that it shall be demonstrated through a volume calculation that there shall be no net loss of soil materials from the site. This calculation shall be set forth in a note on the post-construction conditions set and shall be certified and signed and stamped by the professional registered engineer. The Board finds that this requirement was satisfied.

The Plan meets this requirement.

Regulation §7.4.4.28 requires that construction details and specifications shall be shown on a separate sheet as part of the subdivision submission and shall be certified and signed and stamped by the professional registered engineer. The Board finds that this requirement was satisfied.

The Plan meets this requirement.

Regulation §7.4.5.1 requires additional documentation plan shall be submitted with the Form C Application and the definitive plan, including documentation of if the Applicant or owner(s) of the land to be subdivided owns or controls land adjacent to or across the street from that shown on the definitive plan, the Applicant shall submit a sketch plan showing possible or prospective street layout for such adjacent land, unless such a plan has already been submitted to the Planning Board with a preliminary. The Board finds that this requirement was satisfied.

Regulation §7.4.5.2 requires additional documentation plan shall be submitted with the Form C Application and the definitive plan, including a written list of any waivers requested from the Regulations. The Board finds that this requirement was satisfied.

A written list of requested waivers from the Regulations was submitted.

Regulation §7.4.5.4 requires additional documentation plan shall be submitted with the Form C Application and the definitive plan, including the report of one percolation test per two lots in the area of the proposed septic systems, performed in accordance with the requirements of the Norwell Board of Health. The Board finds that this requirement was satisfied.

A Percolation Test Report was submitted.

- (g) Construction Plan Submission: A complete Construction Plan entitled "Old Oaken Bucket Estates" prepared by Gregory J. Morse, P.E., of Morse Engineering Co., Inc.; dated April 2, 2018, as revised through March 5, 2019 **WAS** submitted pursuant to SRR §§7.4.6.

Regulation §7.4.6 requires that an applicant for definitive subdivision plan approval shall submit a Construction Plan and 8 copies for approval by the Planning Board before the close of the public hearing and it shall be imposed as a condition of approval. The



Construction Plan shall be prepared by a Registered Professional Engineer and shall be signed and stamped by said engineer.

The Board finds that this requirement was satisfied.

The Construction Plan, as prepared by a Registered Professional Engineer, along with Eight (8) copies were submitted. **The Construction Plan shall be updated before any preconstruction conference occurs, and any building permit issues to provide updated names and information, or the Applicant shall provide a certificate that the Construction Plan is still fully accurate.**

Regulation §7.4.6.1 requires that the Applicant provide to the Planning Board the name, address, telephone number and e-mail address of the project manager or other responsible party on site who will be responsible for construction activities. This must be provided at least 48 hours prior to any land disturbing activity on site.

The Board finds that this requirement must be satisfied before any building permits issue.

All contact information as requested herein must be provided within 48 hours of any and all land disturbance and before any building permit issues.

Regulation §7.4.6.2 requires that the Construction Plan shall include the location and delineation of any and all construction areas.

The Board finds that this requirement was satisfied.

The Construction Plan has fulfilled this requirement.

Regulation §7.4.6.3 requires that the Construction Plan shall include the location of vehicle parking and location of equipment storage during construction, together with the location for wash down of vehicles and equipment.

The Board finds that this requirement was satisfied.

The Construction Plan has fulfilled this requirement.

Regulation §7.4.6.4 requires that construction equipment shall not be parked or stored adjacent to any drainage channel, drainage inlet, or wetland buffer area. Maintenance of construction equipment involving transfer of fluids and fuels shall be conducted in areas away from drainage channels and inlets and wetland buffer areas.

The Board finds that this requirement was satisfied.

The Construction Plan has fulfilled this requirement.

Regulation §7.4.6.5 requires that the Construction Plan shall include limits of clearing and grading in relation to the existing trees and the property lines shall be shown on the plans.

The Board finds that this requirement was satisfied.

The Construction Plan has fulfilled this requirement.

Regulation §7.4.6.6 requires that the Construction Plan shall include the calculations for stormwater run-off from the property for all storm events, up to and including 100-year storm events, and the runoff for the same shall be shown to be fully contained on site during construction so as to eliminate flooding runoff and runoff.

The Board finds that this requirement was satisfied.

The Construction Plan has fulfilled this requirement.

Regulation §7.4.6.7 requires that the Construction Plan shall include the total amount of land disturbance, which shall be quantified for the entire project, including, but not limited

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to, any disturbance that will be caused by roadway work, lot clearing, foundations for any structure, septic work, pools, tennis courts, and/or landscaping. The amount of bare earth that will be exposed at any one-time during development of the project (roads, lots and any other clearing) and the length of time it will be exposed shall also be quantified.

The Board finds that this requirement **was satisfied**.

The Construction Plan has fulfilled this requirement.

Regulation §7.4.6.8 requires that the Construction Plan shall include the methods that will be employed to protect areas with exposed earth during development and to prevent erosion and control sedimentation during and after construction, including all operations and sediment control measures (e.g., siltation fences and hay baling and filter bags for catch basins and a specific program for cleaning and repairing catch basins).

The Board finds that this requirement **was satisfied**.

The Construction Plan has fulfilled this requirement.

Regulation §7.4.6.9 requires that the Construction Plan shall include the methods for construction within a flood plain to flood-proof all structures and replace all flood storage capacity to control runoff and runoff in the event of 2-year through 100-year storm events so as to result in no net increase in runoff during such events.

The Board finds that this requirement **was satisfied**.

The Construction Plan has fulfilled this requirement.

Regulation §7.4.6.10 requires that the Construction Plan shall include methods for preservation and protection of waterways, flood plains, open space/conservation areas.

The Board finds that this requirement **was satisfied**.

The Construction Plan has fulfilled this requirement.

Regulation §7.4.6.11 requires that the Construction Plan shall include the location of all other conservation measures, permanent and temporary, including, but not limited to: dikes, water diversions, terraces, dams, reservoirs, water conduits, grassed waterways and plantings of drought resistant grass, shrubs, and trees, temporary seeding, mulching, dust control, diversion dams, sediment traps, snow fence, silt fence, hay bales, filter fabric or filter bags in catch basins, and stabilized construction entrance.

The Board finds that this requirement **was satisfied**.

The Construction Plan has fulfilled this requirement.

Regulation §7.4.6.12 requires that the Construction Plan shall include the location of specific major structures controls (i.e., where the stabilization practices will be placed, surface water locations, soil disturbance areas, drainage patterns and during and following grading).

The Board finds that this requirement **was satisfied**.

The Construction Plan has fulfilled this requirement.

Regulation §7.4.6.13 requires that the Construction Plan shall include the location for the stockpiling of topsoil, loam, gravel, and any other materials, together with a plan to contain same so as to prevent erosion and runoff in the event of 2-year through 100-year storm events. Earth material stockpiles shall not be allowed immediately adjacent to perimeter siltation barriers and drain inlets. Long term stockpiles (i.e., over 30 days) shall be stabilized and circled by siltation fence or hay bales and shall be stabilized by temporary

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seeding or netting. Such stockpiling shall not exceed a duration of more than 3 years from the date of endorsement.

The Board finds that this requirement was satisfied.

The Construction Plan has fulfilled this requirement.

Regulation §7.4.6.14 requires approval by the Planning Board engineer of any soil or earth materials brought to the Property during construction, prior to its arrival.

The Board finds that this requirement was satisfied.

The Construction Plan has fulfilled this requirement.

Regulation §7.4.6.15 requires that all earth removal shall comply with the Regulations and the Town of Norwell's By-law requirements.

The Board finds that this requirement was satisfied.

The Construction Plan has fulfilled this requirement.

Regulation §7.4.6.16 requires that all areas to be protected from encroachment by construction shall be marked on the ground as shown on the approved Subdivision Plan and that these barriers shall be maintained by the developer throughout the construction phase of the project.

The Board finds that this requirement was satisfied.

The Construction Plan has fulfilled this requirement.

Regulation §7.4.6.17 requires that satisfactory inlet protection shall be provided for the drainage system until all work has been completed and vegetation established.

The Board finds that this requirement was satisfied.

The Construction Plan has fulfilled this requirement.

Regulation §7.4.6.18 requires the Construction Plan to account for the timing and sequence of installing all conservation measures in order to provide for maximum control of erosion and sedimentation in the event of a 2-year through a 100-year storm event during construction.

The Board finds that this requirement was satisfied.

The Construction Plan has fulfilled this requirement.

Regulation §7.4.6.19 requires that the Construction Plan include a copy of the NPDES plan and permit, if applicable, for construction sites with one acre or more of total disturbed area, inclusive of lot development, shall be provided by the Applicant to the Planning Board prior to the start of construction.

The Board finds that this requirement was satisfied.

A copy of the NPDES plan and permit has been provided and shall be updated as necessary before any building permit issues.

Regulation §7.4.6.20 requires that all stormwater management basins shall be constructed and stabilized to contain the runoff from a 2-year through and including a 100-year storm event prior to paving and connection of the storm drain system. This requirement shall be a mandatory condition of subdivision approval and a note setting forth this requirement shall be placed upon the definitive plan.

The Board finds that this requirement was satisfied.

The Construction Plan has fulfilled this requirement.



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Regulation §7.4.6.21 requires that the Construction Plan shall include temporary stormwater management basins, if applicable; the temporary stormwater basin shall be shown in detail on the plan and shall be constructed and stabilized to contain the runoff before paving of any roadway that will contribute to the occurrence of runoff. This requirement shall be a mandatory condition of subdivision approval and a note setting forth this requirement shall be placed upon the definitive plan.

The Board finds that this requirement was satisfied.

The Construction Plan has fulfilled this requirement.

Regulation §7.4.6.22 requires that tree stumps, limbs, brush, and all construction debris shall be legally disposed of, off-site.

The Board finds that this requirement was satisfied.

The Construction Plan has fulfilled this requirement.

Regulation §7.4.6.23 requires that the hours of construction shall only occur during the following times:

Monday – Friday: 7 a.m. to 6 p.m., or dusk whichever is earlier

Saturday: 8 a.m. to 5 p.m., or dusk whichever is earlier

Sunday: None

The Board finds that this requirement was satisfied.

The Construction Plan has fulfilled this requirement.

Regulation §7.4.6.24 requires proper permitting for any blasting operations, which shall not be undertaken on any weekend or holiday.

The Board finds that this requirement was satisfied.

The Construction Plan has fulfilled this requirement.

Regulation §7.4.6.25 requires the construction of a street sign indicating the approved street name, prior to the start of any road construction.

The Board finds that this requirement was satisfied.

The Construction Plan has fulfilled this requirement.

Regulation §7.4.6.26 requires that excavation dewatering shall be in a workman like manner and such water shall be free of suspended solids before being discharged into either wetland or any stormwater drainage system. This condition applies to all forms of dewatering including pumping and trenching.

The Board finds that this requirement was satisfied.

The Construction Plan has fulfilled this requirement.

Regulation §7.4.6.27 requires that the Subdivision Plan endorsement and approval shall be exercised in compliance with all applicable provisions of the Norwell Conservation Commission Order of Conditions. If there is any inconsistency between the Subdivision Plan, as approved by the Planning Board, and the plans approved by the Conservation Commission, the Applicant shall apply for subdivision modification under G.L. c.41, §81W. The amended plan shall be accompanied by a report detailing changes from the prior approved subdivision plan and include revised drainage calculations, if applicable.

The Board finds that this requirement was satisfied.

The Construction Plan has fulfilled this requirement.



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*Regulation §7.4.6.28 requires that catch basin grates shall be set flush with the binder course and then reset so as to be flush with the topcoat when installed. The Board finds that this requirement **was satisfied**.*

The Construction Plan has fulfilled this requirement.

Regulation §7.4.6.29 requires that once paved, the subdivision street shall be kept clear and passable at all times. No equipment shall be parked in such a manner as to render the street impassable, and no refuse containers, trailers, or construction materials of any kind shall be placed or stored upon the street.

*The Board finds that this requirement **was satisfied**.*

The Construction Plan has fulfilled this requirement.

Regulation §7.4.6.30 requires a program for sweeping of the streets, cleaning and repairing of catch basins and other drainage structures and mowing of all drainage structures that are to be stabilized with seeding.

*The Board finds that this requirement **was satisfied**.*

The Construction Plan has fulfilled this requirement.

*Regulation §7.4.6.31 requires all construction activities associated with the endorsed plan shall be conducted in a workman-like manner. During construction all local, state, and federal laws shall be followed regardless of noise, vibration, dust, and blocking of town roads. The Board finds that this requirement **was satisfied**.*

The Construction Plan has fulfilled this requirement.

*Regulation §7.4.6.32 requires that once commenced, the construction shall progress through to completion of the development as approved, as continuously and expeditiously as possible in accordance with the construction sequence and timetable approved at the pre-construction meeting. The Board finds that this requirement **was satisfied**.*

The Construction Plan has fulfilled this requirement.

*Regulation §7.4.6.33 requires that no permit for any new dwelling unit shall be granted by the Building Inspector until all drainage facilities and associated structures including: pipes, underground utilities, such as electric, telephone, and cable television, have been completed to the satisfaction of the Planning Board. No building permit for any new dwelling unit shall be granted by the Building Inspector until the base course of the roadway pavement to serve each unit has been completed to the satisfaction of the Planning Board. The Board finds that this requirement **was satisfied**.*

The Construction Plan has fulfilled this requirement.

*Regulation §7.4.6.34 requires adequate provision for snowplowing, deicing, and road maintenance by the Applicant during construction and by the Applicant or the Homeowners Association once construction is completed and before roadway acceptance. The Board finds that this requirement **was satisfied**.*

The Construction Plan has fulfilled this requirement.

*Regulation §8A.1 requires streets be designed and constructed so as to be continuous, of uniform width, and in alignment with existing streets. The Board finds that this requirement **was satisfied**.*

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The Plan has fulfilled this requirement.

*Regulation §8A.2 requires street and roadway construction shall conform to the typical street cross-sections and details shown in Appendices I & II of these Regulations. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8A.3 requires street right-of-way be a minimum width of fifty (50) feet, with greater widths for commercial and industrial uses. Width of street right-of-ways within an industrial park or area shall be seventy (70) feet. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8A.4 requires streets be constructed with a minimum paved surface width of twenty-six (26) feet for all residential streets and a minimum paved surface width of forty (40) feet for all commercial and industrial streets. Each street shall be constructed on the centerline of the way. The Planning Board may require, for commercial and industrial development, that the traveled way shall be separated by a raised median strip with a width to be determined by the Planning Board. In this case, the traveled way shall consist of two (2) roadways each with a minimum width of twenty (20) feet or such greater width as the Planning Board may specify. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8A.5 requires provisions satisfactory to the Planning Board shall be made for the proper projection of streets or for access to adjoining property that is not yet subdivided, including a condition that such a through connection shall not occur without further subdivision approval, including modification of the original subdivision. If such a project is required, then, except as otherwise provided by law, projection of streets shall be included within the street layout and provision made to deed an easement interest to the Town at the time of Street Acceptance although not constructed (see Appendix VI). Sufficient easements for construction of the way(s) shall be included in the plans and deeds of abutting lots. Easements shall be located to the property boundary for future utility connections, water main looping, etc. to the satisfaction of the Planning Board and applicable utility purveyors. Alignment for roadways across the street shall be provided. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8A.6 prohibits reserve strips that prohibit access to streets or adjoining property except where, in the opinion of the Planning Board, such strips shall be in the public interest. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8A.7 requires street intersections to be laid out either directly opposite one another or be separated by a minimum offset of 200 feet from centerline to centerline unless otherwise specified by the Planning Board. Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect any other street at less than sixty (60) degrees. Street intersections on the same side of the roadway shall be separated by a minimum of 350 feet from centerline to centerline. The Board finds that this requirement **was satisfied**.*



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The Plan has fulfilled this requirement. !

Regulation §8A.8 requires the centerline of new subdivision way intersections shall be separated from all existing and proposed driveways within and outside of the subdivision by a minimum of seventy-five (75) feet. The Board finds that this requirement was satisfied.
The Plan has fulfilled this requirement.

Regulation §8A.9 requires street right-of-way lines at intersections shall have a minimum curb radius of not less than thirty (30) feet. Where the angle of intersection between two streets varies between more than ten (10) degrees from a right angle, the radius of the curve at the gutter line curb lines at the obtuse angle shall be less and at the acute angle shall be correspondingly greater than the radius specified herein to the extent approved by the Planning Board. The Board finds that this requirement was satisfied.
The Plan has fulfilled this requirement.

Regulation §8A.10 requires minimum centerline radii of curved streets to be 150 feet for minor streets; 500 feet for secondary streets; and 1000 feet for major streets. All curved streets shall be designed to ensure safe vehicular travel. The Board finds that this requirement was satisfied.
The Plan has fulfilled this requirement.

Regulation §8A.11 requires the minimum length of the tangent between reverse curves shall not be less than 100 feet radii. The Board finds that this requirement was satisfied.
The Plan has fulfilled this requirement.

Regulation §8A.12 requires the minimum centerline grade of any street shall not be less than one (1) percent. The Board finds that this requirement was satisfied.
The Plan has fulfilled this requirement.

Regulation §8A.13 requires the maximum centerline grade of any street shall not exceed six (6) percent. The Board finds that this requirement was satisfied.
The Plan has fulfilled this requirement.

Regulation §8A.14 requires all changes in grade exceeding five-tenths of one (0.5) percent shall be connected by vertical curves of sufficient length to afford a sight distance of 200 feet. For the purpose of design calculations, a minimum K value of 30 on a crest curve and 35 on a sag curve shall be provided. The Board finds that this requirement was satisfied.
The Plan has fulfilled this requirement.

Regulation §8A.15 requires that profiles be provided for a distance of 200 feet on each side of layout lines. Where the gradient of any street is five (5) percent or greater within 150 feet of the intersection of street right-of-way lines, a leveling area of at least seventy-five (75) feet with a maximum gradient of three (3) percent shall be provided. No street shall intersect another at a gradient in excess of three (3) percent. The Board finds that this requirement was satisfied.
The Plan has fulfilled this requirement.

Regulation §8A.16 requires that no centerline gradient shall exceed six (6) percent on any curve. The Board finds that this requirement was satisfied.



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The Plan has fulfilled this requirement.

Regulation §8A.17 requires that no centerline gradient shall exceed six (6) percent within 500 feet of a dead-end. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8A.18 requires that whenever the approved street grade differs substantially from the grade of adjacent land, or where otherwise determined by the Planning Board to be reasonably necessary for public safety, the Applicant shall be required to erect retaining walls and guard rail fences or provide slopes with proper plantings to retain the slope, not steeper than 3:1. The Planning Board shall approve the types and dimensions of such retaining walls, fences, or slopes and all works shall conform to the standards established by the Massachusetts Department of Transportation. No work shall be performed in the right-of-way to a public way other than to tie into the pavement of a new subdivision way at grade level without obtaining the necessary easement interest to do so from Town Meeting. No work shall be performed in the right-of-way to a private way other than to tie into the pavement of a new subdivision way at grade level without providing the legal right to do so. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8A.19 requires that improves shoulders shall slope toward the paved surface at one and one-half (1½) percent slope. They shall be covered with six (6) inches of loam and shall be raked, seeded, and rolled. Deviation from the above shall only occur with the written approval of the Planning Board. Improved shoulders on all roads shall be a minimum of four (4) feet wide. In the vent the sidewalk requirement is waived, the improved shoulder shall be a minimum of five (5) feet in width. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8A.20 requires that curbing or berming be installed throughout the subdivision. Granite curbing Cape Cod berm shall be installed at such points as required by the Planning Board. Vertical granite curbing shall be required at all street corners along the circumference of the roadway for the full length of the rounded curve plus a straight section at each end of the curve for at least six (6) feet in length. Vertical granite curbing may also be required on both sides of streets where the grade exceeds three (3) percent. Additional areas may require vertical granite curbing if, in the opinion of the Planning Board, it would contribute to the proper control of drainage, traffic, or pedestrian safety. Driveway cuts shall be at least eight (8) feet wide and have a curb return at the roadway of three (3) feet in radius. Vertical granite curbing shall be installed at the edge of the pavement wherever the street sideline is laid out on a curve of sixty (60) feet or less radius and at all drain catch basin inlets as specified in Appendix II. Sloped granite curbing shall be prohibited for cul-de-sac islands. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8A.21 requires way lines be parallel. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

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Regulation §8A.22 requires at principal intersections; extra space shall be required to allow for traffic circles and other devices to expedite the free flow of traffic and to provide for adequate sight distance at the proposed curb cut. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8A.23 requires that new development shall be permitted only when the projected traffic that would be generated by the proposed development can be accommodated either by existing roadway capacity or proposed improvements that will ensure public safety. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8A.24 requires that subdivision streets be laid out so as to safely connect to existing ways. No subdivision shall be approved unless the proposed streets connect to and are accessible from a public way or a private way that is open and dedicated to public use, having in the opinion of the Planning Board adequate construction, width, and grades. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8A.25 requires that adequate sight distances shall be provided at all intersections with existing and proposed roadways as set forth. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8A.25.1 requires that the required stopping distance shall be calculated under the Stopping Sight Distance of the AASHTO, "A Policy on Geometric Design of Highways and Streets 2001," 4th Edition, based on the 85th-percentile speed of the major roadway. The 85th-percentile speed shall be determined from an acceptable engineering speed study with a minimum of twenty (20) speed observations in each direction. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8A.25.2 requires available intersection sight distance shall be measured a minimum of fifteen (15) feet from the edge of pavement along the centerline of the proposed roadway. For all calculations, the height of the driver's eye shall be considered to be 3.75 feet above the road surface and the height of the object shall be considered to be 0.50 feet above the road surface in accordance with AASHTO policy. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8A.25.3 requires that the Definitive Subdivision Plan shall show in detail existing trees (of a caliper greater than six (6) inches), stone walls, fences, topography, driveways, and streets within 350 feet and pavement limits so as to allow the Planning Board's Engineer to adequately evaluate intersection sight distance. The Definitive Subdivision Plan shall include the measured sight distance triangles and any applicable approach grades. Sufficient sight easements shall be provided before a plan is approved. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.



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Regulation §8B.1 requires that no dead-end street shall exceed 550 feet in length. The length of a dead-end street shall be measured from the centerline of the nearest intersecting through street to the end of the subdivision way. A cul-de-sac shall be deemed a dead-end street. A hammerhead or T-shaped arrangement of streets shall not be considered an “intersecting through street” for purposes of this section. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8B.2 requires that a dead-end street be designed and constructed with a turn-around at the closed end that has an outside roadway diameter of at least 100 feet and a property line diameter of at least 124 feet. A fifty (50) foot minimum island diameter shall be provided at the center of the turn-around. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8B.3 requires that a dead-end street, having in the opinion of the Planning Board, a potential hazard to public safety, shall have a fire lane easement for the travel of emergency vehicles connecting the dead-end street with the nearest possible way in existence. The fire lane shall be kept clear of all obstructions and shall be properly graded for its intended use. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8B.4 requires that the last 100 feet of a dead-end street shall not have a grade greater than three (3) percent. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8B.5 requires that upon the construction of an extension to a dead-end street that makes it a through way, the easement for the existing turn-around shall terminate and the turn-around shall be removed by the Applicant extending the street as a condition of subdivision approval. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8B.6 requires that trail connections between cul-de-sacs and adjacent streets be provided wherever possible. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8C requires that all drainage systems, including, but not limited to storm drains, culverts, swales, paved waterways, ditches, ponds, basins, check dams, drainage systems, and related construction, grading and installation including, but not limited to, riprap, fore bays, catch basins, gutters, manholes, and drain pipes shall be designed, installed, maintained, and replaced in accordance with these Regulations and the Regulations of the Permanent Drainage Committee, in effect, in order to provide adequate disposal of surface and subsurface water, including control of erosion, flooding and standing water from or in the subdivision and adjacent land. All systems shall adhere to the standards below. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8C.1a requires that all stormwater management systems shall be designed to meet the performance standards of the Massachusetts Department of Environmental

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*Protection, known as Stormwater Phase II, as in effect on June 15, 2006, except as set forth below. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8C.1b requires that all stormwater management systems shall be designed to consistent with the most recent technical references published by the ASCE as of June 15, 2006, as applicable. The design of every stormwater management system shall demonstrate that no increase in off-site runoff rate or flooding for the 1, 2, 10, 25, and 100-year storm events shall occur. Every stormwater management system shall demonstrate that it will provide eighty (80) Total Suspended Solid (TSS) removal in a 10-year storm event. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8C.1c requires that all hydrologic designs be based on NRCS TR55 and TR20 methodology except that the Northeast Regional Climate Center's "Atlas of Precipitation Extremes for the Northeastern United States and Southeastern Canada," Publication No. RR 93-5 (Cornell University Ithaca, NY: September 1993) (the Cornell Standard) shall be used for rainfall, not the Technical Paper 40 Standard (TP40). The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8C.1d requires that all stormwater management systems which are designed to rely upon infiltration, shall be designed to provide safe and controlled emergency overflow in a 100-year storm event, as defined under the Cornell Standard, when Antecedent Moisture Condition III (i.e., saturated surface and groundwater conditions) exist. Safe and controlled emergency overflow shall mean that no increase in off-site runoff rate or flowing shall occur, post-construction. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8C.2.1 requires data submission of sub area delineation at a minimum scale of 1-inch = 100 feet (1"=100'). A minimum scale of 1-inch = 40 feet (1"=40') shall be required for smaller sites or if plans are unclear at 1-inch = 40 feet (1"=40'). The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8C.2.2 requires the sub area plan include any off-site area, which flows onto the site and shall include a downstream area to a defined control point. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8C.2.3 requires pre- and post-construction cover types be identified on the sub area plan. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8C.2.4 requires post-construction site design to be indicated on the cover types be identified on the post-construction sub area plan. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.



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Regulation §8C.2.5 requires the plan indicate conceptual proposed buildings, drives, grading, clearing limits, etc., for the maximum build-out of lots. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8C.2.6 requires the plan indicate test pit logs and test pits be identified on the sub area plan. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8C.2.7 requires test pits be at the location of stormwater management systems to determine seasonal high groundwater and soil type. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8C.2.8 requires NRCS soil types be identified on the sub area plan. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8C.2.9 requires NRCS soil types divides shall be modified if appropriate based on actual field test data. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8C.2.10 requires pre- and post-development runoff flow paths and control points be identified on the sub area plan. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8C.2.11 requires the submission of a bound drainage report that clearly presents all assumptions used to develop the data; references and assumption justifications; runoff hydrographs together with input data for pre- and post-construction; routing hydrographs with all structure data (i.e., stage, storage, and discharge); a summary table indicated pre- and post-development peak discharge rates and total volume of runoff at each point; flood elevations as applicable; and, TSS Form. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8C.2.12 requires nine (9) copies of the proposed Operations & Maintenance Plan (O&M Plan) with the drainage report. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8C.3 requires the minimum design and construction requirements for stormwater basins as follows. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8C.3.1 requires side slopes for stormwater basins be constructed with 4:1 side slopes per ASCE design and Construction of Urban Stormwater Management. The Board finds that this requirement was satisfied.



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The Plan has fulfilled this requirement.

*Regulation §8C.3.2 prohibits subsurface infiltration systems. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8C.3.3 requires the top of the berm width be eight (8) feet per ASCE design and Construction of Urban Stormwater Management. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8C.3.4 requires trash grates per ASCE design and Construction of Urban Stormwater Management and no outlet smaller than two (2) inches shall be used. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8C.3.5 requires the maximum depth in a 2-year storm event not exceed two (2) feet. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8C.3.6 requires the maximum depth in a 100-year storm event not exceed four (4) feet. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8C.3.7 requires berms to be built into natural landscape if and as much as possible. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8C.3.8 prohibits excavation if the water table is within two (2) feet of existing grade. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8C.3.9 requires an Interim As-Built Plan of the Drainage System, including basins, be completed prior to the sub-base for the roadway being laid. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8C.4 requires the minimum design and construction requirements for drainage pipes as follows. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8C.4.1 requires drainage cover to be a minimum of two and one-half (2½) feet and have a maximum depth of eight (8) feet. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8C.4.2 requires drainage slope to be a minimum of one-half of one (0.5) percent and shall not exceed a maximum of fifteen (15) feet per second velocity. The Board finds that this requirement **was satisfied**.*



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The Plan has fulfilled this requirement.

*Regulation §8C.4.3 prohibits surcharge in the system. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8C.4.4 requires the downstream system determination be made and reviewed and approved by the Planning Board's Engineer. If the Planning Board's Engineer determines said system is inadequate, to handle proposed or existing runoff, the system shall be upgraded. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8C.4.5 requires a minimum actual velocity in trunk lines be two (2) feet per second. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8C.4.6 requires a maximum actual velocity in pipes not exceed twelve (12) feet per second. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8C.5 requires drainage easements for all surface and subsurface drainage structures as necessary, in a form that is acceptable to the Planning Board in consultation with Town Counsel and shall be recorded prior to or simultaneously with the endorsed Definitive Subdivision Plan to ensure that individual lot owners shall properly maintain or allow proper maintenance, repair, and replacement of said structures and shall run to a Homeowner's Association. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8C.6 requires that if any drainage structures are to be installed within the subdivision, a Homeowner's Association shall be created and satisfy the following requirements. The Board finds that this requirement **was satisfied**.*


The Plan has fulfilled this requirement.

*Regulation §8C.6.1 requires that all owners of the land within the subdivision shall be required to be members as a condition of subdivision approval. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8C.6.2 requires that the Homeowner's Association be the owner of the drainage structures and shall hold all necessary easements and fees to all of the drainage structures, including detention basins or ponds, retention basins or ponds, combination detention/retention basins or ponds, catch basins, pipes, swales, berms, riprap, check dams, drainage catchment areas, and other drainage structures and equipment and to all areas that must be used to access the drainage systems and equipment to effect maintenance, repairs, and replacements. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

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Regulation §8C.6.3 requires that the Homeowner's Association be responsible for repairing, maintaining, and replacing the drainage systems within a subdivision. As a condition of approval, the Homeowner's Association, in the opinion of the Planning Board, shall be sufficiently funded initially and then require monthly or yearly funding by individual lot owners to allow for sufficient funding of initial and projected repair, maintenance, and replacement costs. The Board finds that this requirement was satisfied. The Plan has fulfilled this requirement.

Regulation §8C.6.4 requires that the Homeowner's Association be responsible for writing to the individual lot owners twice per year to provide a report on the status of drainage funding including 1) yearly cost of drainage maintenance and repairs for that calendar year; 2) the yearly cost of drainage maintenance and repairs projected for the following ten (10) calendar years; and, 3) the projected date for replacement of drainage systems and the projected cost of the same. In addition, at the same time, the Homeowner's Association shall write to individual lot owners of any obligations that the owners may have to maintain drainage swales or berms, or other structures located on their individual lots, whether by periodic mowing or clean outs and by not planting trees and other landscaping in drainage swales. Individual lot owners shall also be instructed as to best management practices that require the subdivision streets to be maintained in clear, swept condition to avoid damage to drainage structures. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8C.6.5 requires that installation of drainage shall be under the supervision of the Planning Board's Engineer. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8C.6.6 requires installation of gas and sand traps to prevent pollution of ponds, lakes, rivers, and/or streams. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8C.6.7 prohibits excavation or removal of gravel, topsoil, or other matter within a subdivision except for 1) within the right-of-way for normal roadway construction; 2) for the digging of a cellar hole, water well, or trench for normal utility installation; or, 3) normal grading and filling around houses to beautify the lot or to satisfy Board of Health requirements. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8D requires an adequate supply of water, via water mains and related equipment such as hydrants, main shut-off valves and other fittings, be installed in all streets within the subdivision as necessary to provide adequate water supply for domestic water use and fire protection. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8D.1 requires proper connections be made with the existing public water system wherever possible. Where a public water system is not reasonably accessible, the Applicant shall install water mains and hydrants or provide easements to allow for future connections, at the Planning Board's election. The Board finds that this requirement was satisfied.



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The Plan has fulfilled this requirement.

Regulation §8D.2 requires the design and installation of the water system be in accordance with the Rules & Regulations of the Board of Water Commissioners. In no case shall a water main be within three (3) feet of a catch basin. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8D.3 requires that hydrant locations be approved by the Norwell Fire Chief prior to approval of the Definitive Subdivision Plan. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8D.4 requires that dead-end water mains shall be avoided, and all water mains shall be looped to eliminate standing water, except upon the written express approval of the Water Department. Easements for future extension or looping of the water system shall be provided, except upon the express written recommendation of the Board of Water Commissioners. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8D.5 requires that installation of water mains shall be under the supervision of the Water Department. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8E requires that all other utilities shall conform to the following requirements. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8E.1 requires all utilities to be underground, including services to individual dwellings. The placement of utilities in streets and roadways shall be installed as shown on the typical street cross-section in Appendix II. The location of transformers, switches, and other such equipment shall be approved by the Planning Board and shown on the Definitive Subdivision Plan. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8E.2 requires primary and secondary lines run on the same side of the road. All road crossings shall be in conduit and shall be perpendicular to the road centerline at that point. Location of telephone cables and primary and secondary power lines shall be approved by the Inspector of Wires and a copy of the Definitive Subdivision Plan so endorsed and provided to the Planning Board. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8E.3 requires all electrical cable shall be protected within a safety located strip or warning tape. The Board finds that this requirement was satisfied.

The Plan has fulfilled this requirement.

Regulation §8E.4 requires that if a dwelling unit is served by gas, then pressure reducers and meters shall be installed outside the dwelling. A dresser type connection shall be



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*placed in the gas line outside of the dwelling, but within six (6) feet of it. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8E.5 requires minimum standards for installation of utilities shall be those prescribed by nationally recognized authorities such as the National Electric Corp. (NEC); American Water Works Association (AWWA); and American Gas Association (AGA). Requirements of local inspectors, if more strict than the aforementioned sources, shall prevail. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8E.6 requires installation and inspection of all underground utilities shall be performed and written approval obtained before construction of the roadway base course begins. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8F requires the necessary easements to support utilities installed in a subdivision be provided as follows. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8F.1 prohibits easements from straddling lot lines but should be located along lot lines. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8F.2 requires easements to be a minimum width of twenty (20) feet. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8F.3 requires easements to be recorded before deeds for individual lots are conveyed and shall run initially to the Homeowner's Association and then be conveyed to lot owners as necessary. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8F.4 requires that where a subdivision is traversed by a watercourse, drainage way, channel or stream, the Applicant shall provide to the Homeowner's Association a stormwater easement or drainage right-of-way of adequate width to conform substantially to the lines of such watercourse, drainage way, channel or stream and to provide for construction or other necessary activities. The necessary fee and easement interests in drainage structures shall be conveyed to and held by the Homeowner's Association. Large drainage structures such as detention or retention basins or ponds shall be segregated on separate parcels that are owned by the Homeowner's Association. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8F.5 requires adequate easements for the maintenance of slopes, bodies of water, or land-locked areas be provided to allow for mowing, tree maintenance and other landscaping needs, and mosquito and pest control. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.



Regulation §8G requires the Applicant provide streetlights at street intersections, dead-ends or turn-arounds, and at all vertical and/or horizontal curves as may be required by the Planning Board. The Board finds that this requirement was satisfied.
The Plan has fulfilled this requirement.

Regulation §8G.1 requires the streetlights be Town and Country luminaire lights, or equivalent, mounted on wood or wood laminated poles with extension or decorative fixture, unless otherwise approved by the Planning Board. All lighting shall be controlled so as to be directed down and prevent light pollution. The Board finds that this requirement was satisfied.
The Plan has fulfilled this requirement.

Regulation §8H requires sidewalks and plantings on both sides of the subdivision way as follows. The Board finds that this requirement was satisfied.
The Plan has fulfilled this requirement.

Regulation §8H.1 requires sidewalks be a minimum of five (5) feet wide and located along the sideline of the roadway layout in such a manner as to blend in with the natural land features and terrain. The areas between the sidewalk and the road shall be finished as directed by the Planning Board as to maintain a natural appearance. The Board finds that this requirement was satisfied.
The Plan has fulfilled this requirement.

Regulation §8H.2 requires pedestrian ways or walkways to be provided to allow for convenient circulation or access within the subdivision to area schools, playgrounds, shopping, churches, transportation, parks, conservation areas, and/or other facilities. An easement of proper width and length shall be provided. The Board finds that this requirement was satisfied.
The Plan has fulfilled this requirement.

Regulation §8H.3 requires sidewalk construction of twelve (12) inches of gravel that is consistent with the roadway cross-section and, after having been brought to sub-grade by the necessary excavation and filling, shall receive two (2) inches, compacted depth, of approved bituminous concrete. The areas between the sidewalk and the roadway, if to be loamed, shall have at least six (6) inches of screened loam. The loam shall be spread to grade, seeded, and rolled. Once gravel is laid for a sidewalk, it shall remain undisturbed, (i.e., utility crossings should be installed prior to laying of such sub-base). Sidewalk construction shall be inspected by the Planning Board's Engineer at each stage of construction. The Board finds that this requirement was satisfied.
The Plan has fulfilled this requirement.

Regulation §8H.4 requires sidewalk construction along existing highways when adjacent land is subdivided. The Board finds that this requirement was satisfied.
The Plan has fulfilled this requirement.

Regulation §8H.5 requires existing trees and shrubs, and the limbs of existing trees and shrubs, standing within the limits of any proposed way or public way, which, because of their location, species and/or condition are suitable for preservation, shall be shown on



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*the Definitive Subdivision Plan and shall be preserved by the Applicant, provided that to do so shall not interfere with installation and future maintenance of underground utilities. Furthermore, all sight line requirements shall prevail over preservation of existing trees and vegetation. The Definitive Subdivision Plan shall adhere to the following requirements. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8H.5.1 requires trees be planted by the Applicant along subdivision streets at intervals of fifty (50) feet, subject to the location of proposed driveways, street intersections or other features of the subdivision and shall be planted so that they will not interfere as they grow with proposed utility services and sidewalk construction. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8H.5.2 requires that new trees shall be nursery grown and comply with the Association of American Nurseries specifications and be at least three (3) inches in caliper. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8H.5.3 requires the preservation of existing trees and the varieties of new trees for planting shall be subject to the approval of the Planning Board which shall be guided by the recommendations of the Town's Director of Lands and Natural Resources as to the number, location, condition and species of such trees and under Appendix III. Detail B. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8H.5.4 requires that no tree shall be allowed within four (4) feet of the edge of pavement for a way, nor shall a tree be allowed within five (5) feet from the edge of an underground utility that exists or is to be installed. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation §8H.5.5 requires the Applicant show on the Definitive Subdivision Plan the placement and type of trees to be preserved and planted as set forth in this section of these Regulations and under Appendix III. Detail B. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation 8H.6 requires that embankments outside the shoulders shall be evenly graded and pitched at a rate not steeper than 3:1. The Planning Board may require such banks and all other disturbed areas adjacent to the traveled way to be loamed and seeded with grass. It is recommended that consideration be given to the surrounding growth and terrain. Roadsides should be made to blend with the woods or natural surroundings that exist and plantings in such areas should be chosen accordingly. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

Regulation 8H.7 states that prior to approval of a Definitive Subdivision Plan, the Planning Board may also, in proper cases, pursuant to MGL c.41, §81U, ¶14, require that the plan



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*show a park or parks suitably located for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and the prospective uses of such land, the Planning Board may, by appropriate endorsement on the plan, require that no buildings be erected upon such park or parks without its approval for a period of not more than three (3) years. Such action is to be taken in accordance with the applicable portion of MGL c.41 §81Q. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

*Regulation 8H.8 indicates that the Planning Board encourages Applicants to investigate and make use of conservation grants and easements, particularly in wet areas. Information can be obtained from the Conservation Commission. The Board finds that this requirement **was satisfied**.*

The Plan has fulfilled this requirement.

- (h) Traffic Impact Analysis Submission: A complete Traffic Impact Analysis entitled “Traffic Impact Study – Norwell Residential Development” prepared by McMahon Associates, Inc.; dated March 7, 2018, **WAS** submitted pursuant to SRR §§7.4.7.

Regulation §6.4.7 requires that at the time of submission of the Form C and definitive plan, the Applicant shall provide a traffic impact analysis report. The report shall document and assess existing traffic conditions, including the current level of service, document the increased traffic that would be generated by the proposed subdivision development and analyze the impact of the proposed development, including the level of service, on existing conditions. The Planning Board, upon written request by the Applicant, may waive this requirement, if it finds that the traffic impact that would be caused by the proposed development would be insignificant and that the existing level of service is satisfactory and the current satisfactory level of service would be maintained or improved as a result of the project.

*The Board finds that this requirement **was satisfied**.*

Traffic analysis was submitted.

- (i) Site Development Plan Submission: A complete Site Development Plan **IS** required for each new dwelling proposed for Lots 1-6, 14-15, and 20-26, as well as any lots proposed to have on-site recharge systems within the subdivision under Zoning Bylaw §1500, pursuant to SRR §§7.4.8.
- (j) Municipal Review & Board of Health Submission: These Plans **WERE** distributed for review by Town agencies and the Applicant provided proof of concurrent submittal to the Board of Health pursuant to SRR §§7.5 and 7.8.
- (k) Public Hearing: A public hearing **WAS** held by the Planning Board on January 24, 2018 pursuant to MGL c.41 §81T. The Notice of Public Hearing was advertised in the Patriot Ledger, a newspaper of general circulation in the Town of Norwell on January 8, 2018 and January 16, 2018.
- (l) Site Visit: A site visit **WAS** conducted pursuant to MGL c.41 §81CC and SRR §7.7. A site visit is **NOT** a requirement for residential Definitive Plans.
- (m) Compliance with the Zoning Bylaw: All proposed lots conform to the applicable Zoning requirements
- a. All lots **DO** have the minimum one (1) acre lot size pursuant to NZB §2421.



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- b. All lots **DO** have the minimum eighty (80) feet of frontage pursuant to NZB §2431.
 - c. All lots **DO** have the minimum lot shape requirements pursuant to NZB §2450.
3. MGL c.41 §81U ¶2 – Compliance with Board of Health Recommendation: The proposed lots can be used for building sites without injury to the public health pursuant to MGL c.41 §81U and SRR §7.8.1.

Conditions of Approval:

The approval of the Plan shall be subject to the following Conditions of Approval that progress through the duration of the Project:

1. General, Applicant: The term “Applicant” as used in this Planning Board **[Board]** Certificate of Action shall include the Applicant, and the Applicant’s heirs, successors, and assigns.
2. General, Limits on further division or subdivision of the Property: The approval of this Definitive Subdivision Plan **[Approval]** shall be and hereby is expressly limited under MGL c.41, §81R to a maximum of twenty-six (26) residential lots of the subject property, shown as Lots 1-26 on the Plan as approved hereunder and, once updated, as endorsed.
 - (a) Neither Parcels C, D, F, G, H, I, or J shall be used as a building lot, nor shall Parcels C, D, F, G, H, I, or J be combined with any other land, either within or outside of the Property, without a formal modification pursuant to MGL c.41, §81W and, furthermore, any such modification shall include a full analysis of the impact of the proposed change on the drainage system designed for the subdivision.
 - (b) No further division or subdivision of the Property shall occur, other than to reconfigure the approved internal lot boundary lines of the twenty-six (26) lots in a manner that does not have the impact of creating an additional building lot, beyond the twenty-six (26) lots approved for the subdivision, without a formal modification pursuant to MGL c.41, §81W.
 - (c) No parcel shown on the approved and endorsed Plan shall be divided and then added to land located outside of the subdivision, without a formal modification pursuant to MGL c.41, §81W and full analysis of the impact of the proposed change on the drainage system designed for the subdivision.
 - (d) Access shall not be allowed on the subdivision roadway for more than a total of the twenty-six (26) single family residential lots, as shown on the approved and endorsed Plan, without a formal modification of the subdivision pursuant to MGL c.41, §81W and a full analysis of the impact of the proposed change on the drainage system designed for the subdivision.
3. General, Sight Distance Maintenance: The Applicant, and then the Applicant’s successors in interest, and then the individual lot Owners, and then the Homeowners’ Association **[HOA]** shall be jointly and severally liable for maintaining any required sight triangles/sight easements.
4. General, Town Water Provision: All lots shown on the approved and endorsed Plan shall be provided with Town water and a water main shall be constructed to provide the water in

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accordance with all of the applicable requirements of the Water Department and the Board of Water Commissioners.

5. Deadline, Endorsement: Endorsement by the Board of the approved Plan [**Endorsement**] shall be obtained within 120 days of the date of the vote taken by the Board to approve the Plan. **Failure to obtain Endorsement within said 120 days shall result in the automatic rescission of the Approval.** The deadline for Endorsement may be extended, for not more than one (1) year, upon the written request of the Applicant, for good cause shown, prior to the expiration of the said 120 days, and upon a vote of the majority of the Board then present.
6. Deadline, Completion of the Project: Construction of the ways and the installation of the services shown on the Plan shall be complete within three (3) years of the date of the Endorsement. **Failure by the Applicant to complete the construction of the ways and the installation of the services shown on the Plan within three (3) years of the date of the Endorsement shall result in the automatic rescission of this Approval.** The time for such construction or installation may be extended upon the written request of the Applicant, for good cause shown, prior to the expiration of said three-year period, and upon a vote of the majority of the Board then present.
7. Endorsement, Recording of Certificate of Action Required: Prior to Endorsement, the Applicant shall record the Board's Certificate of Action and provide evidence of such recording to the Board.
8. Endorsement, Revision of Plan to reflect recorded Certificate of Action: Prior to Endorsement, the Applicant shall revise the Cover Page of the approved Plan by adding a reference in bold font to the Certificate of Action and the Book and Page where it has been recorded. In addition, the Applicant shall revise the Plan by adding a note referring to the Certificate of Action and its Book and Page and expressly state that all of the conditions of approval in the Certificate of Action are expressly incorporated into the Plan by reference and shall constitute restrictive covenants running with the land.
9. Purposely Left Blank.
10. Endorsement, Street Names: Prior to Endorsement, the Plan shall be revised to indicate the streets names as indicated:
 - (a) Road A: "Webster Farm Way"
 - (b) Road B: "Blueberry Court"
 - (c) Road C: "Overlook Circle"
11. Endorsement, Stormwater-based Plan Revisions: Prior to Endorsement, the Plans shall be revised to include:
 - (a) Two (2) check dams of crushed stone to the channel at HW 7 to further reduce velocity and protect against erosion and the bottom width be increase to an even foot dimension of four (4) feet versus 3.2 feet as proposed.

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- (b) The channel shall also be centered in the easement.
 - (c) As consistent with the Order of Conditions, an alternative outlet design such as a plunge pool shall be proposed at HW 11 to reduce the extent of the proposed stone rip rap.
 - (d) The drainage calculations shall be updated to reflect the revised infiltration basin location, corrected watersheds, reasonable bog board elevations, lot lines, etc. to ensure record consistency.
 - (e) As noted, the OOC requires a bond to reestablish a natural system if the farm is no longer active. For the purposes of this Application, “abandoned” shall mean when the cranberry farm fails to operate for more than one (1) year.
 - (f) Grading associated with the Constructed Wetland Basin shall be complete to the satisfaction of the Planning Board’s Engineer.
12. Endorsement, Lot Closure Calculations: Prior to Endorsement, Lot Closure Calculations shall be reviewed so calculation values match those on the Plans.
 13. Endorsement, Separation of O&M Plans: Prior to Endorsement, the O&M Plans shall be revised as necessary and shall be prepared as a standalone document together with a plan indicating the location of various BMP’s. The Highway Department and Highway Surveyor shall be provided with copies of contracts with the parties engaged to perform the work in the event the HOA does not comply with the established maintenance requirements.
 14. Endorsement, Building Massing and Scale: Impervious surfaces shall not exceed fifteen (15) percent of the lot.
 15. Endorsement, Construction Sequencing noted on Construction Plan: Prior to Endorsement, the Construction Plan shall be revised to include the Construction Sequencing.
 16. Endorsement, Construction Plan Excavation Revision: Prior to Endorsement, the Construction Plan shall be revised to address Road C cul-de-sac excavation concerns as outlined in item 6.4.6.8 in Chessia Consulting Services Engineering Review, dated April 1, 2019, page 29.
 17. Endorsement, Plan Revision: Prior to Endorsement, the Plans shall be revised so the relocated subdrain shall discharge through the headwall for the basin outlet pipes.
 18. Endorsement, Plan Revision: Prior to Endorsement, following revisions shall be made on the Construction Plans:
 - (a) Plan Sheet 1: Waivers Requested – Item 3: Spelling Error, Sect to Sec
 - (b) Plan Sheet 3: Benchmarks – There are two (2) Benchmark #5s. Revise to correct numbers.
 - (c) Plan Sheet 2: Construction Notes – Note 5: Add in language that Planning Board Engineer shall be contacted at least forty-eight (48) business hours ahead for material inspections and approval.



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- (d) Plan Sheet 2: Construction Notes – Note 14: Add in language that street signage shall be in accordance with Regulation §9.2.13
 - (e) Plan Sheet 2: Construction Notes – Note 19: Correct “Pre-Constructin” spelling error.
 - (f) Plan Sheet 2: Construction Notes – Note 24.3: Correct “Requirments” spelling error.
 - (g) Plan Sheet 2: Construction Notes – Note 29: Correct “Aplicable” spelling error and include references to the OOC Local and State reference numbers (MassDEP #SE52-1138 & NCC #11(18)).
 - (h) Plan Sheet 2: Construction Notes – Land Disturbance Area Calculations: Change “27” to “26” house lots.
 - (i) Plan Sheet 2: Construction Notes – Inspection & Record Keeping: Change all “Scituate” references to “Norwell.”
 - (j) Plan Sheet 2: Construction Notes – Operation & Maintenance: Correct “Condtions” spelling error.
 - (k) Plan Sheet 2: Construction Notes – Stabilized Construction Entrance: Change “Old Oaken Bucket Street” to “Old Oaken Bucket Road.”
 - (l) Plan Sheet 2: Construction Notes – Stabilization Practices: Correct “Practies” spelling error.
 - (m) Plan Sheet 2: Construction Notes – Storage & Disposal of Hazardous Materials: Change “Department of Public Works” to “Highway Department.”
19. Endorsement, Final Revision of Plan for Endorsement: Prior to Endorsement, the Plan shall be revised to reflect all conditions of approval. The Plan shall be revised to reflect a final revision date for Endorsement. The Plan shall be revised to reflect all required inspection and construction notes set forth under the Regulations. The Applicant shall supply the Board and its Engineer with seven (7) sets of prints of the Plan as revised for Endorsement. The prints shall be reviewed by the Board’s Engineer for conformance to all conditions of approval. The Board’s Engineer shall confirm that the revisions are complete and accurate and in accordance with the Certificate of Action before Endorsement occurs. Upon confirmation by the Board’s Engineer, the Applicant shall supply two (2) Mylars of the Plan.
20. Endorsement, Homeowners’ Association Trust Required: Prior to Endorsement, the Applicant shall obtain the approval of Town Counsel and the Board for a HOA Declaration of Trust instrument, which shall provide for:
- (a) Ownership and control of the roadway and drainage systems;
 - (b) Maintenance, repair, and operation of the roadway and adjacent slopes within the right-of-way, including snow and ice removal;
 - (c) Maintenance of all sight triangles and/or sight easements;

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- (d) Maintenance, repair, and operation of the streetlights;
- (e) Maintenance, pruning, trimming, and replacement of street trees and landscaping; and,
- (f) Maintenance, repair, operation, and replacement of the stormwater drainage system and associated adjacent bog system.

The HOA Declaration of Trust instrument shall clearly state the responsible parties for the abovementioned items prior and subsequent to Street Acceptance, as well as a timetable for the transfer of responsibility from the Applicant / Developer to the Trustees. Notice of transfer to shall be provided to Town Treasurer-Collector and the Board.

The HOA Declaration of Trust instrument shall be fully executed by the necessary parties and evidence of recording provided to the Board. The HOA shall provide for mandatory membership by the lot Owners and shall be sufficiently funded with initial funds and collect sufficient funds annually to provide for the maintenance, repair, operation, and replacement of the stormwater management and drainage system, roadway system, and all other HOA responsibilities.

The required maintenance shall be as set forth in the document entitled “Old Oaken Bucket Estates” Stormwater Report and Calculations” and dated November 8, 2017, as most recently revised. The minimum initial funds that shall be deposited with the HOA shall be adequate to provide for long-term maintenance and replacement of the roadway system, the stormwater management and drainage system, and all other HOA responsibilities, and shall be paid in advance by the Applicant and, thereafter the HOA shall collect a minimum annual contribution adequate to provide the required maintenance and replacement activities, as described in the HOA Declaration of Trust document, which shall be subject to Town Counsel’s approval as to form.

The HOA Declaration of Trust instrument shall provide that the HOA shall be responsible for maintaining all sight triangles and/or sight easements. All sight triangles and/or easements shall be maintained to permanently provide clear lines of sight within the triangles and the HOA shall specifically so provide and require proper and adequate funding for same. The HOA Declaration of Trust instrument shall be in legal existence and be recorded as a restrictive covenant that runs with the land and evidence of this shall be provided to the Board and confirmation that any required preliminary funding for the HOA in place shall be provided to the Board, prior to endorsement.

- 21. Endorsement, Assent of Owners: Prior to endorsement, the Applicant’s counsel shall provide a title certification to the Planning Board that all owners of the Property have assented to the easements.
- 22. Endorsement, Plan: Prior to endorsement the Plan shall be prepared for endorsement by:

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- a. Adding a table to the cover sheet that shows the impervious surface coverage limits for each building lot;
 - b. Placing all conditions of approval in the decision of approval on plan to be endorsed;
 - c. Providing the plan revised for endorsement to the Planning Board's peer review consultant for peer review.
23. Endorsement, Certification: Prior to endorsement, the Applicant's counsel shall provide a list of all endorsement requirements and a certification that all endorsement requirements have been satisfied.
24. Endorsement, Surety: Prior to Endorsement, proper surety shall be in place, pursuant to MGL c.41, §81U, ¶7, to guarantee completion of the construction of the roadway(s) and the installation of municipal services in accordance with the Regulations and all conditions set forth herein. If a covenant form of surety is used, the form of the covenant shall be reviewed and approved by the Board, executed by the Owners of record and any mortgagees of record, and then executed by the Board and recorded by the Applicant at the Plymouth County Registry of Deeds prior to release by the Board of the endorsed Plan and prior to its recording. Prior to acceptance of the covenant, the Applicant shall provide the Board with a certification by a licensed attorney, who shall certify the names of all Owners and mortgagees of record, based upon an up-to-date title search. After approval of the terms of the covenant and the signatures provided, the Applicant then shall provide evidence of the recording of the duly executed covenant prior to endorsement of the subdivision plan or its release from escrow.
25. Endorsement, Easements: Prior to Endorsement, the Applicant shall provide the Town with all the required and recorded easements, including but not limited to, the drainage, LID techniques, utilities, street trees, and access easements. The easements shall be approved by the Board and Town Counsel in advance of execution and shall be duly executed by all Owners and mortgagees of record. The Applicant shall provide the Board with a certificate by a licensed attorney, certifying the names of all Owners and mortgagees of record, based upon an up-to-date title search. Evidence of recording of the easements shall be provided to the Board before endorsement occurs. The easements shall be referenced on the Plan, including the Book and Page where they were recorded.
26. Endorsement, Lighting Approval: Prior to seeking Endorsement, the Applicant shall obtain and provide evidence to the Board that the street lighting and lighting fixtures conform to the requirements of Regulation §8G. All lighting fixtures shall be located as shown on the Plan. Lights shall be designed and installed to shine downward only. Lights shall be equipped with photo sensors and be Dark Skies compliant.
27. Endorsement, Subdivision Roadway Easement: Prior to Endorsement, a subdivision roadway easement shall be approved by Town Counsel and the Board regarding the public rights to the proposed subdivision streets. The easement shall give the Town the right, but not the obligation, to perform snowplowing activities on said streets. The easement shall also grant Town inhabitants the right to travel and perform all customary activities that are permissible by law on Town ways. The easement shall be referenced on the Plan, including the Book and Page where it was recorded.
28. Endorsement, Stormwater System: The Applicant and its successors in interest, and then the individual lot Owners, and then the HOA shall be jointly and severally liable and responsible



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for the operation and maintenance of the stormwater drainage systems for the approved Plan in a good and orderly manner after construction of the drainage facilities in accordance with the requirements of the Town and as set forth in the document submitted by the Applicant, entitled “Old Oaken Bucket Estates Stormwater Management System Operation and Maintenance Plan” and dated November 8, 2017, as most recently revised, and based upon drainage calculations submitted therewith. In addition to the requirements of this document, the Applicant and its successors in interest shall be required to sweep the roadway as necessary during construction, as determined by the Board or its agent, and thereafter a minimum of four (4) times per year.

29. Catch Basins: During construction, the Applicant shall clean the catch basins shown on the approved Plan at least four (4) times per year, including in late Fall and early Spring. During construction, the catch basins shall be fitted with a sediment trap of siltation fabric under the catch basin rim plus hay bales around the rim to prevent sediment from entering the drainage system. During construction, the catch basins shall be inspected every seven (7) days, and within twenty-four (24) hours of any storm with more than one-half (½) inch of precipitation and cleaned of all accumulated sediment and debris. After construction, catch basins shall be inspected at least twice per year and cleaned of all accumulated sediment and debris twice per year, during the Fall and again in early Spring.
30. Drainage System: During construction, the Applicant shall inspect the drainage stormceptors shown on the approved Plan at least four (4) times per year, and within twenty-four (24) hours of any storm with more than one-half (½) inch of precipitation. After construction is completed, the Applicant or the HOA shall have the drainage system inspected four (4) times during the first year, to determine the rate at which the unit reaches 15% capacity. After the first year, a maintenance schedule shall be developed, based upon the determination previously reached regarding the point at which the unit reaches 15% capacity, with a minimum of two (2) inspections per year. Accumulated sediment and debris shall be removed at least twice per year, once in the Fall and once in the Spring. Removal of sediment and hydrocarbons shall be completed using a vacuum truck. Disposal of accumulated sediment and hydrocarbons shall be performed in accordance with all applicable Federal, State, and Local guidelines and regulations.
31. Drainage Basin: The drainage basin(s) shown on the approved Plan shall be inspected at least four (4) times a year to ensure that the basin is operating as designed. If accumulated sediment or debris is observed within the basin, it shall be removed forthwith.
32. Drywells: Drywells shall be installed and maintained as determined by the condition for Site Development Plans. Additional maintenance of the rain gardens during construction, including replanting and weeding, shall be at the direction of the Board or its agent. Proof of the required rain garden maintenance shall be supplied at the request of the Board or its agent during construction and per the condition for “Site Plan Development.”
33. Emergency Maintenance: Prior to Endorsement, the Applicant shall grant an easement to the Town, approved by Town Counsel, permitting the Town to perform emergency and routine drainage maintenance if the Applicant fails to conform to this condition, and the Applicant and its successors in interest shall agree as a condition of approval, to reimburse the Town the full cost of same and that a lien against the HOA may be imposed. Furthermore, the Town shall



have the right, but not the obligation, to undertake this activity. The easement shall be referenced on the Plan, including the Book and Page where it was recorded.

34. Endorsement, Earth Removal: Prior to Endorsement and before any excavation work, a note shall be added to the Plan that states:

“All earth removal shall comply with §7.4.6.15 of these Regulations and the Norwell General Bylaw Article XVI.”

35. Endorsement, Order of Conditions: Prior to Endorsement, a note shall be added to the Plan that states:

“The approved and endorsed Plan shall be exercised in compliance with all applicable provisions of the Norwell Conservation Commission Order of Conditions identified as MassDEP #SE52-1138 & NCC #11(18). If there is any inconsistency between the Plan, as approved by the Board, and the Plans approved by the Conservation Commission, the Applicant shall apply for subdivision modification pursuant to MGL c41, §81W.”

The amended Plan shall be accompanied by a report detailing changes from the prior approved Plan and include revised drainage calculation, if applicable.

36. Pre-Construction Meeting: At least ten (10) days prior to any initial site work, including clearing and grubbing, a Pre-Construction Meeting shall be held between the Applicant, the Applicant’s contractor, the Board’s Engineer, Town Planner, and representatives of the Town departments having an interest in the Plan. The meeting shall be for the purpose of familiarization with the project and conditions of approval and determining the construction sequence and timetable. At the meeting, the Applicant shall provide the name, address and telephone number of the project manager or other responsible party on site who will be responsible for construction activities. If the development is conveyed to another party prior to or during construction of the project, the Board shall, within five (5) business days of the conveyance, be provided with the name and address of the new Owner who shall submit to the Board a signed affidavit indicating that the Certificate of Action and Covenant have been read and understood. The new owner or their representative shall meet with the Board at the Board’s next available meeting.

37. Pre-Construction Meeting, Updated Contact Information: Prior to the Pre-Construction Meeting, the Applicant shall provide updated contact information for the selected site contractor. The site contractor shall attend the Pre-Construction Meeting.

38. Pre-Construction Meeting, NPDES Permit: Prior to the submission of the draft copy of the SWPPP to the Board and its Engineer for review, the Applicant shall provide updated Phase II construction information as part of the Stormwater Pollution Prevention Plan.

39. Pre-Construction Meeting, NPDES Permit: At least three (3) months prior to the anticipated Pre-Construction Meeting, a draft copy of the SWPPP shall be provided to the Board and its Engineer for review and commentary. Once the Planning Board’s Engineer is satisfied with the contents of the draft SWPPP, the Applicant shall submit the SWPPP for approval. The Pre-Construction Meeting will be held once the SWPPP has been approved and NPDES permit has been issued. No work, including grading, clearing, grubbing, etc., shall commence until the



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TOWN OF NORWELL
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draft SWPPP is reviewed and approved by the Town, submitted, and a valid NPDES permit has been issued. The NPDES Permit shall be currently in existence.

40. Pre-Construction Meeting, Copies of Plans: Prior to the Pre-Construction Meeting, the Applicant shall provide Town Planner with a copy of the subdivision plan on disc in CAD (.dwg file format) and also two (2) 11" x 17" copies of the approved and endorsed Plans and provide a digital copy.
41. Pre-Construction Meeting, Street Signage: Prior to the Pre-Construction Meeting, a standard Town of Norwell street sign, as required under Regulation §9.2.13, shall be erected at the intersections of Cross Street and Old Oaken Bucket Road and the proposed subdivision way and cul-de-sacs, indicating the approved street name. Furthermore, any signage required, including warning signs, shall be placed in accordance with the Manual of Uniform Traffic Control Devices standards and at a location approved by Highway Surveyor.
42. Construction, Construction Activities: All construction activities associated with the approved and endorsed Plan shall be conducted in a workman-like manner. During construction all Local, State, and Federal laws shall be followed regarding noise, vibration, dust, and obstruction of Town roads. Construction, once it begins, shall progress through to completion of the development as approved as continuously and expeditiously as possible and in accordance with the construction sequence and timetable approved at the Pre-Construction Meeting.
43. Construction, Prior to Start: Prior to Construction, a plan showing utilities as approved by the applicable utility companies shall be provided, and the utility plan updated accordingly.
44. Construction, Prior to Start: Prior to Construction, the Definitive Plan shall be updated showing the location of telephone cables, and primary and secondary power lines, as approved by the Electrical Inspector, to confirm there are no conflicts.
45. Construction, Prior to Roadway Construction: Prior to the start of any road construction, the Applicant, as necessary, shall obtain the written permission of Highway Surveyor to allow any work required in any adjacent public right-of-way.
46. Construction, Construction Hours: During Construction, all construction related truck activity shall be scheduled as to not interfere with school busing routes. Hours for construction activity shall be limited under this plan as follows:
 - (a) Monday – Friday: 7 a.m. to 6 p.m., or dusk whichever is earlier
 - (b) Saturday: 8 a.m. to 5 p.m., or dusk whichever is earlier
 - (c) Sunday: None
 - (d) Federal Holidays: None
47. Construction, Unloading of Equipment: During Construction, no equipment shall be parked or stored adjacent to any drainage channel, drainage inlet, or wetland buffer area. Maintenance of construction equipment involving transfer of fluids and fuels shall be conducted in areas away from drainage channels and inlets and wetland buffer areas. No parking of vehicles or storage

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of equipment, or off-loading of equipment shall occur on Cross Street, Old Oaken Bucket Road, or its right-of-way.

48. Construction, Limit of Construction Area: During Construction, all areas to be protected from construction encroachment shall be marked on the ground as shown on the approved and endorsed Plan and the Applicant shall maintain these barriers throughout the construction phase of the project. No additional clearing is permitted beyond the limit of clearing / limit of work shown on the approved and endorsed Plans. Should additional clearing occur beyond the approved limits, the Applicant shall be required to restore the site to its predevelopment condition.
49. Construction, Roadway shall be Kept Clear at All Times: During Construction and once paved, the road(s) shall be kept clear and passable at all times. No vehicles or equipment shall be parked or stored in such a manner as to render the street impassable, and no refuse containers, trailers, or construction materials of any kind shall be placed or stored upon the street. Under no circumstances shall the road(s) or the cul-de-sac(s) be used as staging areas.
50. Construction, Stockpiling of Materials: During Construction, earth material stockpiles shall not be placed within thirty (30) feet of perimeter siltation barriers or drain inlets. Long-term stockpiles (i.e., over thirty (30) days) shall be shaped, stabilized, and entirely encircled by siltation fencing or hay baling, and shall be stabilized by temporary seeding or netting.
51. Construction, Disposal of Debris: During Construction, disposal of brush, tree limbs, tree stumps, and tree trunks shall take place off site, within thirty (30) days of cutting under Regulation §7.4.6.22, and in conformance with all applicable Local, State, and Federal laws and regulations.
52. Construction, Inlet Protection: During Construction, satisfactory inlet protection shall be provided for the drainage system until all work has been completed and vegetation established. The Applicant agrees that the Board, the Board's Engineer, or Town Planner shall compel the use of silt sacks to protect the catch basins, as provided on the approved and endorsed Plans.
53. Construction, Excavation Dewatering: During Construction, any excavation dewatering shall be performed in a workman-like manner and such water shall be free of suspended solids before being discharged into either a wetland or any storm water drainage system. This applies to all forms of dewatering, including pumping and trenching.
54. Construction, Inspection and Approval of Materials: During Construction, the Board's Engineer shall approve any soil or earthwork material brought to the Property during construction, at a minimum of forty-eight (48) hours prior to its arrival.
55. Construction, Blasting Operations: During Construction, any blasting operations shall require proper permits and shall not be undertaken on any weekend or holiday.
56. Construction, Utilities Underground: All utilities shall be installed underground, and the Board or the Board's Engineer shall be required to approve each utility installation.

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57. Construction, Electrical Work: During Construction, unless the utility company can show cause otherwise, a licensed electrician shall install all electrical work for utilities and proper notice must be given pursuant to MGL c.141, §5L and c.143, §3L.
58. Construction, Pipe Cover: During Construction, any drainage pipe with less than the required two and one-half (2½) feet of cover shall be ductile iron and engineered for H-20 Loading. No pipe shall have less than two (2) feet of cover, unless otherwise waived.
59. Construction, Catch Basin Grate Setting: During Construction when paving occurs, catch basin grates shall be set flush with the binder course and reset so as to be flush with the topcoat when it is installed immediately before the topcoat is installed.
60. Construction, Removal and Relocation of Utility Poles: During Construction and prior to any paving, all utility poles shall be removed from the subdivision right-of-way.
61. Construction, 911 Requirements: The twenty-six (26) lots shown on the approved and endorsed Plan shall have an address for 911 purposes. The Applicant shall make the necessary arrangements with the Fire Department. Proof of the completed arrangements with the Fire Department shall be provided to the Board, Town Planner, and Building Inspector. Pursuant to MGL c.41, §81Y, ¶2, the Building Inspector shall not issue a Certificate of Occupancy for any lot where proof of 911 notification has not been provided with or before the building permit request.
62. Construction, Seasonal High Ground Water Shall Not Be Intercepted: No building, structure, driveway, or appurtenance shall be sited so as to intercept seasonal high ground water (i.e., all portions of each building, structure, driveway, or appurtenance shall be located above the seasonal high ground water mark). The Building Inspector shall determine the seasonal high ground watermark, when a building permit is requested, and the determination shall be based upon such information as the Building Inspector may require the Applicant to provide. Pursuant to MGL c.41, §81Y, ¶2, the Building Inspector shall not issue a building permit for any lot, if to do so would result in the interception of seasonal high ground water.
63. Construction, Site Development Plan Review: Site plan approval is required for each new dwelling proposed for Lots 1-6, 14-15, and 20-26, as well as any lots proposed to have on-site recharge systems within the subdivision, using the standard "Submission of Site Plans" requirements as required under Zoning Bylaw §1500, shall be obtained pursuant to §6.4.8 of the Regulations. Pursuant to MGL c.41, §81Y, ¶2, the Building Inspector shall not issue a building permit for these Lots until the Board approves the respective site development plans. Said approval should include a requirement that, prior to the issuance of a Certificate of Occupancy for any dwelling, a certification from a Registered Professional Engineer shall be provided to the Building Inspector that the required grading and the driveway for this lot have been constructed in accordance with the requirements of the approved and endorsed Plan, including required berming.

Lots proposed to have on-site recharge systems shall further be approved contingent upon satisfactory witnessed soil testing by the Board's Engineer, and design submission for both the infiltration system and roof collection system. Witnessed installation by the Board's Engineer shall be required for these systems.

TOWN OF NORWELL
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64. Construction, Modification of the Roadway Layout: Any modification of the roadway layout approved hereunder shall be subject to the requirements of MGL c.41, §81W.
65. Construction, Modification of Drainage System: Any modification of the drainage system approved hereunder shall be subject to the requirements of MGL c.41, §81W.
66. Construction, Final Grading: The final required grades and contours shown on the approved and endorsed Plan shall be installed as shown, except as expressly approved otherwise via Site Development Plans. Any significant modification of the approved final grading, as determined by the Board, shall be subject to the requirements of MGL c.41, §81W.
67. As-Builts, Interim Roadway As-Built Plan: Pursuant to MGL c.41, §81Y, ¶2, no building permit for any structure for any lot shown on the approved and endorsed Plan shall be issued until after an Interim Roadway As-Built Plan has been provided to the Board and confirmed by the Board's Engineer, to be located as shown on the approved and endorsed Plan. The Interim Roadway As-Built Plan shall be certified and signed by a Registered Professional Land Surveyor and be accompanied by a separate affidavit signed by the PLS certifying under oath that the roadway has been properly surveyed and confirmed to be in the proper location and in accordance with the design specifications shown on the approved and endorsed Plan.
68. As-Builts, Interim Drainage As-Built Plan: Pursuant to MGL c.41, 81Y, ¶2, no building permit for any structure for any lot shown on the approved and endorsed Plan shall be issued until after an Interim Drainage As-Built Plan has been provided to the Board and confirmed by the Board's Engineer, to have been located and constructed as shown on the approved and endorsed Plan. The Interim Drainage As-Built Plan shall be certified and signed by a Registered Professional Land Surveyor and be accompanied by a separate affidavit signed by the PLS certifying under oath that the drainage basin has been properly surveyed and confirmed to have been constructed in the proper location and in accordance with the design specifications shown on the approved and endorsed Plan.
69. As-Builts, Final As-Built Plans: Prior to final surety release, satisfactory Final As-Built Plans shall be provided to the Board as required under Regulation §10.1.8.B. The As-Built Plans shall include a certificate from a Registered Professional Engineer that the subdivision grading has been completed in accordance with the details and requirements shown on the approved and endorsed Plan.
70. As-Builts, As-Built Approval: Within thirty (30) days of completion of all Authorized Activities and prior to final surety release, the Applicant shall apply to the Board for As-Built approval, accompanied by three (3) sets of As-Built Plans and, as applicable, proof of compliance with the permits and/or conditions of the following:
- (a) Board of Health (Septic)
 - (b) Board of Selectmen (Gravel / Earth Removal)
 - (c) Board of Water Commissioners (Water Utilities)
 - (d) Building Inspector (Building)
 - (e) Conservation Commission (Wetlands)
 - (f) Fire & Police Departments (Public Safety)
 - (g) Highway Surveyor (Roadway)
 - (h) Historical Commission (Demolition Delay)
 - (i) Town Treasurer-Collector (Taxes)

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(j) Zoning Board of Appeals (Zoning)

As-Built approval shall not be considered complete until an As-Built Certificate, as issued by the Board, has been filed at the Registry, and proof of said filing provided to the Board.


MOTION: On October 12, 2022 Member Mauch moved and Member Sullivan seconded that the Board adopt the above Findings of Fact and Conditions of Approval and **APPROVE** the Old Oaken Bucket Estates Definitive Subdivision Plan, as revised through August 12, 2022, subject to the terms and conditions enumerated above.

VOTED: The motion was recorded **4-0-0** as follows:

- Brian Greenberg: Aye
- Donald Mauch: Aye
- Brendan Sullivan: Aye
- Michael Tobin: Aye

I hereby attest that the above is a true copy of the Planning Board’s actions and the votes taken on October 12, 2022.

Sincerely,



 Donald Mauch, Vice Chair
 (Authorized by a vote taken on October 12, 2022)

October 13, 2022 Date

- cc: Applicant and Owners(Certified Mail)
 Town Assessor / Board of Assessors
 Building Inspector / Board of Appeals)
 Conservation Agent / Conservation Commission
 Highway Surveyor (+Plan)
 Public Safety Officials (+Plan)
 Town Treasurer-Collector
 Town Sanitarian / Board of Health (+Plan)
 Water Superintendent / Board of Water Commissioners (+Plan)
 File

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Any appeal shall be taken as provided for under G.L. c.41, §81BB within 20 days of the filing of this decision with the Town Clerk.

