



TOWN OF TOPSFIELD

TOWN CLERK

8 West Common Street, Topsfield, Massachusetts 01983

T: (978) 887-1505 F: (978) 887-1502

clerk@topsfeld-ma.gov

March 23, 2018

RE: "Riverwood Estates" Definitive Subdivision Plan Approval

Dear Applicant:

The Planning Board has ruled in your favor and the required twenty (20) days have elapsed since said Decision was filed with the Town Clerk. No appeal has been filed with the Town Clerk regarding said Decision.

This Definite Subdivision approval is granted in accordance with Massachusetts General Law, Chapter 41, Section 81-U and as provided for in Section 4.7 of the Planning Board Rules and Regulations Governing the Subdivision of Land in Topsfield ("Rules and Regulations"). A copy of said decision is attached.

This letter is for informational purposes only and will not serve as valid proof of a positive ruling.

Respectfully,

Mary E. Willis
Town Clerk

cc: Chairman Topsfield Zoning Board of Appeals
Chairman Topsfield Planning Board
Inspector of Buildings
Principal Assessor
Community Development Coordinator

**TOPSFIELD PLANNING BOARD
CERTIFICATE OF ACTION**

2018 MAR -7 AM 10: 58

RECEIVED
TOWN CLERK
TOPSFIELD, MA

**RE: Definitive Subdivision Approval
Riverwood Estates Definitive Subdivision Plan
303 and 333 Perkins Row, Topsfield, MA
March 6, 2018**

Town Clerk
Town Hall
Topsfield, MA 01983

To the Town Clerk:

This is to certify that at a meeting of the Topsfield Planning Board held on March 6, 2018, by a motion duly made and seconded, it was voted:

We, the Topsfield Planning Board, in accordance with Massachusetts General Law, Chapter 41, Section 81-U and as provided for in Section 4.7 of the Planning Board Rules and Regulations Governing the Subdivision of Land in Topsfield ("Rules and Regulations"), DO HEREBY VOTE TO APPROVE the subdivision known as Riverwood Estates, being a portion of the property located at **303 and 333 Perkins Row, Topsfield, MA** (Assessors Map 20, Lot 43 and Map 27, Lot 43, respectively), consisting of 11 residential house lots shown as Lots 1-11 inclusive, in accordance with the following:

Plans: "Riverwood Estates Definitive Subdivision
At 303 & 333 Perkins Row
Topsfield, Massachusetts"

Prepared for: Burhani, LLC

Prepared by: The Morin-Cameron Group, Inc.
66 Elm Street
Danvers, Massachusetts 01923

Consisting of: Twenty-one (21) sheets Date: October 16, 2017
Revised: March 1, 2018

Sheet No.	Sheet Description
1	Cover Sheet
2	General Notes, Legend & Abbreviations
3	Index Plan and Key Map
4	Existing Conditions Plan I
5	Existing Conditions Plan II
6	Existing Conditions Plan III
7	Existing Conditions Plan IV
8	Existing Conditions Plan V
9	Lotting Plan I
10	Lotting Plan II
11	Road Geometry
12	Site Plan I
13	Site Plan II
14	Road Profile I
15	Road Profile II
16	Erosion Control Plan
17	Detail I
18	Detail II
19	Detail III
20	Detail IV
21	Soil Test Logs

Stamped by: Scott P. Cameron, Registered Professional Engineer No. 47601

Definitions:

- a. Applicant shall mean Burhani, LLC, a Massachusetts limited liability company with a principal place of business located at 2500 Main Street, Ste. 210, Tewksbury, MA 01810, or its successor or assigns.
- b. The Board shall mean the Planning Board of the Town of Topsfield, MA.
- c. The Plan shall mean the Riverwood Estates Definitive Subdivision Plan, sheets 1-21, described above.
- d. The Plan includes the information indicated in Article 4 of the Rules and Regulations conceding the procedure for the submission of plans

- e. The Plan adheres to the design standards as indicated in Article 5 of the Rules and Regulations, except as to those which have been waived by the Planning Board herein.
- f. The plan is in conformance with the purpose and intent of the Subdivision Control Law.
- g. The Plan complies with the review comments submitted by various town departments in order to comply with state law, town bylaws and to insure public health, safety and the welfare of the town.
- h. The Plan does not constitute detailed engineering for on-site septic systems, nor does it approval constitute a warrantee or approval for the construction of individual onsite waste disposal systems on each lot. It will be necessary for each lot owner or the Applicant to follow the procedures for the Topsfield Board of Health for obtain a permit to construct an on-site waste disposal system (septic) including necessary percolation tests.

Waivers

In granting approval of the Riverwood Estates Definitive Subdivision Plan, the Board also hereby grants waivers from the following sections of the Subdivision Rules and Regulations. Where not otherwise specified, the rationale for granting the waiver is based on the information provided by the Applicant, the review by the Planning Board's independent peer review consultant and determination by the Planning Board the waivers are in the public interest and consistent with the intent of the Rules and Regulations and the Subdivision Control Law.

- 1. Section 5.12.3.e requires that reinforced concrete pipe be used for roadway drainage. A waiver is requested to allow the use of HDPE, double walled, smooth interior pipe.
- 2. Section 5.3 requires curbing as shown on the typical cross-section. A waiver is requested to allow 12" curbing instead of 8" curbing.
- 3. Section 5.12.1.b requires that all utilities be as shown on plate 1. A waiver is requested to show the locations of the gas and underground electric to conventional provider locations.
- 4. Section 5.12.2.f requires granite curb inlets over catch basin. A waiver is requested from this requirement by direction of the Department of Public Works.
- 5. Section 5.12.3.n(2) requires the use of type A-1 or A-3 catch basin grates. It is recommended by MassDOT that these style grates not be used in areas where bicycle travel is permitted. A waiver is requested to allow a more conventional style grate.

The Stormwater and Erosion Control Regulations Town of Topsfield Planning Board:

- 1. Section 7.08.B.g requires that all predevelopment land be calculated as woods. A waiver is requested from this requirement as the current land condition is not woods and calculating as such would be detrimental to the watershed.

Conditions of Approval – Definitive Subdivision Plan

The Planning Board finds that the Definitive Subdivision Plan complies with the Town Bylaw requirements when the following conditions are completed:

1. The subdivision shall be built in accordance with the Subdivision Rules and Regulations of the Town of Topsfield, except where stated otherwise in this Certificate of Action.
2. No alteration of the approved Definitive Plan shall be made or effected other than by an affirmative vote of three or more members of the Board at a duly posted meeting and upon the issuance of a written amended decision.
3. All applicable laws, bylaws, rules, regulations and codes shall be complied with, and the Applicant shall obtain any necessary and applicable permits, licenses, variances and other approvals.
4. None of the lots in the subdivision shall be further subdivided except under the subdivision control law.
5. A covenant Form H prior to the endorsement of the Plan and recorded at the time the Definitive Plan is recorded at the Registry of Deeds. Said lots may be released from the covenant upon posting of security pursuant to GL c. 41, Section 81U.
6. All application fees and fees to outside consultants must be paid in full.
7. A full set of final plans reflecting the changes outlined herein, if any, must be submitted to the Planning Board for Review and subsequently endorsed by the Planning Board, along with the Form H Covenant securing Lots 1-11 inclusive within the subdivision for the construction of ways and installation of municipal services. Both the Plan and the Form H Covenant must be recorded with the Southern Essex Registry of Deeds within ninety (90) days for filing of this decision with the Town Clerk. Lot A is a buildable lot with frontage on the existing Perkins Row created as shown on the Definitive Plan but with existing frontage on Perkins Row, is not a Lot within the subdivision.
8. All documents shall be prepared at the expense of the Applicant, as required by the Rules and Regulations. The applicant shall retain the fee in all roadway dedications shown on the Plan until such time as they are accepted by the Town as a public way.

Prior to the endorsement of the Definitive Plan by the Planning Board

The following items shall be completed by the Applicant prior to plan endorsement:

1. The Applicant shall provide to the Planning Board a schedule for street construction indicating major activities and milestones. Said schedule shall encompass activities from initial clearing to street acceptance.

Recording of Plans and Covenant:

1. After the endorsement of the Definitive Subdivision Plan, and not later than ninety (90) days from the date of filing of this Decision with the Town Clerk, the Applicant shall cause the Definitive Subdivision Plan, together with this Decision, a Planning Board Covenant, and surety documents to be recorded with the Southern Essex Registry of Deeds. Evidence of such recording shall be provided to the Planning Board.

Prior to the Commencement of Construction:

The following items shall be completed prior to any work commencing on the subject property by the Applicant:

1. Implementation of approved Erosion and Sedimentation Control Plan.
2. All features to be preserved shall be clearly marked in the field so as to ensure preservation during construction.
3. At least ten (10) days prior to all construction, including land preparation, a pre-construction meeting shall be scheduled by the developer/contractor with representatives from Town staff. At this time, a construction schedule shall be provided for review and approval.
4. No construction, including land preparation, shall commence until all necessary permits for such construction or land preparation required by state, local and/or federal laws and/or regulations have been secured.

Prior to the Lot Release or Issuance of Building Permits

1. Prior to the issuance of a Building Permit for any lot, all utilities serving that lot, including but not limited to municipal water, electric, telephone, and cable television, be completed and tested by the applicant and be approved by the agency responsible for each respective utility. Copies of such approvals shall be forwarded to the Planning Board and the Building Inspector.
2. A street identification sign for each of the two streets, Pearl Way and Ruby Circle, shown on the Definitive Subdivision Plan shall be installed.
3. Evidence of Release of the Planning Board Covenant Form L and/or the posting of a Performance Guarantee shall be submitted to the Building Inspector.
4. A Performance Security as approved in the Rules and Regulations and G.L. ch. 41 Section 81U in an amount to be determined by the Planning Board upon the recommendation of the Highway Superintendent, shall be posted to secure the completion of the subdivision work

including the construction of the roadways and installation of municipal services in accordance with the Definitive Subdivision Plan.

5. Three (3) complete copies of the plans and two (2) copies of all documents containing Registry of Deeds stamps must be submitted to the Planning Board as proof of filing.
6. The Riverwood Homeowners Association Bylaws shall be approved by the Planning Board and recorded at the Registry of Deeds and a certified copy provided to the Planning Board.

Prior to the Issuance of an Occupancy Permit

1. The roadway base courses and binder courses shall be installed and approved in writing by the Highway Superintendent. Copies of such approval shall be forwarded to the Planning Board and Building Inspector.
2. The stormwater management system shall be operating and functional as approved, in writing.
3. Approval by the Planning Board of the Riverwood Homeowners' Association declaration; evidence of establishment by recording of the Riverwood Homeowners' Association shall be provided to the Planning Board.
4. All traffic control signs must be in place.
5. Permanent house numbers must be posted on dwellings and be visible from the road.
6. All slopes on the lot to which the occupancy permit pertains, not within the jurisdiction of the Conservation Commission, shall be stabilized, and in conformance with the Stormwater and Erosion Control Bylaw, and the lot must be raked, loamed and seeded, sodded or mulched if the weather does not permit seeding or sodding or otherwise stabilized by a method approved by the Planning Board or its consultant.

Prior to Release of Performance Guarantee

1. Completion of all required site improvements.
2. Submission and approval of all legal documents for the conveyance of easements and utilities to the Town of Topsfield.
3. Submission and approval of a street layout and acceptance plan, with quitclaim deed for the fee interest in the way.
4. Submission and approval of As-Built Plans.

5. The Applicant shall petition Town Meeting for public acceptance of the street. Prior to submitting a warrant for such petition, the applicant shall review the subdivision and all remaining work with the Planning Board. The Planning Board shall hold a portion of the subdivision bond for continued maintenance and operations until such time as the Town Meeting has accepted the roadways. It shall be the Applicant's responsibility to insure that all proper easements have been recorded at the Registry of Deeds.
6. The Applicant's Engineer shall provide to the town three (3) copies of a manual defining maintenance procedures including methods and schedules.
7. The Planning Board shall, at its discretion, release a portion of any surety during the progress of construction not more than once a month in accordance with G.L. ch. 41 Section 81U. Such application shall be made to the Planning Board prior to release and shall include a report from the Highway Superintendent stating that the work in place is in conformance with the Approved plans.
8. Verification of work in place does not relieve the applicant or its Contractors of their responsibility to perform in accordance with approved Plans and this Decision.

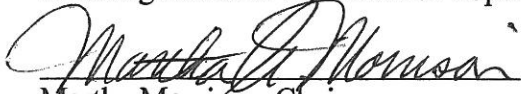
General Conditions on Construction

1. The electric utility service shall be underground, in conformance with the Subdivision Rules and Regulations, as most recently adopted and amended.
2. All utilities and roadway construction and materials shall be in conformance with the most recently amended Subdivision Rules and Regulations, except as waived above.
3. The Applicant shall provide appropriate measures to limit construction debris and materials on the site. In the event that debris is carried onto any public way, the Applicant and his assigns shall be responsible for all cleanup of the roadway. All cleanups shall occur within twenty-four (24) hours after the first written notification to the Applicant by the Board or its designee. Failure to effect such cleanup may result in the project's being shut down until the public way is clear, Town cleanup is completed at the Applicant's expense, or other measures are taken that are appropriate in the reasonable judgment of the Town.
4. Hours of construction shall be restricted to 7 a.m. to 5 p.m. on Monday through Friday and 8 a.m. to 5 p.m. on Saturdays. Construction shall not be permitted on Sundays and State holidays.

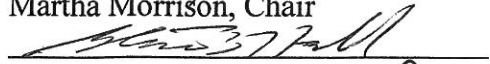
All encumbrances, mortgages and restrictions shall be subordinate to this Certificate of Action and to the covenant described above.

A copy of this Certificate of Action shall be filed with the Town Clerk, and one copy shall be mailed to the Applicant. This decision may be appealed to the Superior Court within twenty (20) days of its filing with the Town Clerk. The Board shall not endorse the approved Definitive Subdivision Plan until the required twenty-day appeal period has expired.

Planning Board of the Town of Topsfield



Martha Morrison, Chair







cc.

Conservation Commission
Highway Superintendent
Board of Health
Building Inspector
Police Chief
Land Use Coordinator

Certification of No Appeal

I, Mary E. Willis, Town Clerk of the Town of Topsfield, Massachusetts do hereby certify that twenty days have elapsed since the above-referenced decision of the planning Board was filed in the offices of the Town Clerk on March 7, 2018, and no appeal has been filed with the Town Clerk.

