

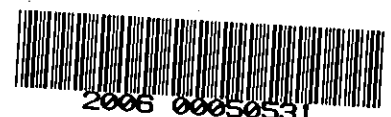
2-12



*Town of Natick*  
Massachusetts

01760

Jane M. Hladick  
Town Clerk



Bk: 47151 Pg: 33 Doc: DECIS  
Page: 1 of 12 03/23/2006 01:33 PM

MARCH 23, 2006

TO WHOM IT MAY CONCERN:

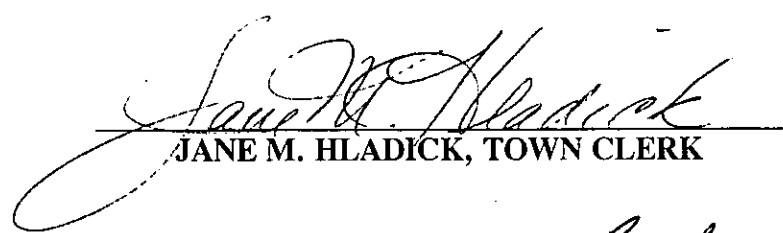
THIS IS TO CERTIFY THAT NO NOTICE OF APPEAL  
WAS RECEIVED DURING THE TWENTY (20) DAYS NEXT  
AFTER RECEIPT AND RECORDING ON:

APRIL 21, 2005

OF NOTICE FROM THE PLANNING BOARD FOR FINAL  
SITE PLAN AND SPECIAL PERMIT DECISION #14-2005,  
AND AQUIFER PROTECTION DISTRICT SPECIAL  
PERMIT DECISION #15-2005 FOR:

ADMIRAL'S COVE L.L.C. AND  
PAUL V. GRIFFIN JR.  
555 BEDFORD STREET  
WHITMAN, MA 02382

WITH THE OFFICE OF THE NATICK TOWN CLERK.

  
JANE M. HLADICK, TOWN CLERK

*Richard A. Glaser Esq.*  
*279 West Central Street*  
*Natick, MA 01760*

*7 Dewey St, Natick*



BEFORE THE NATICK PLANNING BOARD

In Re: Application of 7 Dewey Street  
Admiral's Cove L.L.C and Paul V. Griffin, Jr.  
555 Bedford Street  
Whitman, MA 02382

Decision 15-2005

Situs: Assessor's Map 44, Lot 312  
Book: 22549, Page 182  
Natick, MA

RECEIVED  
2005 APR 21 PM 3:14  
TOWN CLERK-NATICK

AQUIFER PROTECTION DISTRICT SPECIAL PERMIT

Statement of Facts:

The applicant, by an application dated November 1, 2004 has requested approval of plans for a Special Permit under the HOOP II Site Plan Review and Aquifer Protection District. The applicant proposes to remove an existing multi-family house and construct 12 town house units, two of which will be affordable (low/moderate income) units. The applicant proposes sufficient off-street parking and significant landscape and streetscape improvements.

The Situs is located on the east side of Dewey Street. The petitioner requests Site Plan Review/Approval and the granting of Special Permits, pursuant to the provisions of Sections III-A6 B-Housing Overlay Option Plan-(HOOP) and section VI-DD of the Natick Zoning By-Laws (the "By-Laws"- all references to "Section" or "Sections" herein are to Sections of such By-Laws), with the Natick Planning Board (the "Board) acting as the Special Permit Granting Authority (SPGA) under Section VI-DD 2a

The Project is shown on the following plans submitted by the Applicant and prepared by the Applicant's engineer, MacCarthy & Sullivan Engineering, Inc. 205 Newbury Street, Suite 202, Framingham MA 01701. The applicant has also submitted Building Elevations prepared by Home Builders Care of Claremont NH 03743 and Architectural Renderings from Egan Associates Architects and Planners from Natick MA.

All of said plans are hereafter collectively referred to as the "Final Site Plan".

Hearing:

Notice of the Public Hearing by the Planning Board on this matter was published in The Metrowest Daily News, on Friday, November 26, 2004 and again on Friday, December 3, 2004. Notice of the hearing was also sent to all "parties of interest" and posted in the Town Hall as required by Chapter 40A, Section 11, Mass. Gen. Laws.

The public hearing commenced Wednesday, December 15, 2004, was continued several times to Wednesday, April 6, 2005, when it was concluded.

**Reports of Town Agencies:**

Correspondence was received from the Department of Public Works, Board of Health and the Design Review Board copies of which are retained in the files of the Board.

**Findings:**

The Board after considering the Applicant's proposal, all information and materials that it has received (including the aforementioned plans and reports), information gathered from a site visitation, and comments made at the Public Hearing, makes the following findings:

The Board is of the opinion that the proposed drainage system and APD design will be sufficient to handle run-off and drainage properly and will not tend to adversely affect the aquifer.

The Board therefore finds that:

- A. The proposed buildings and use are consistent with the purpose and intent of the APD.
- B. The proposed buildings and use are appropriate to the natural topography, soils and other characteristics of the site to be developed.
- C. The proposed buildings and use will not, during construction or thereafter, have an adverse environmental impact on the aquifer.
- D. The proposed structures and use will not have an adverse effect on an existing or potential water supply.
- E. That the proposal and accompanying materials as submitted are satisfactory and the requirements of the APD District have also been met.

**Decision:**

After deliberation and consideration of all the foregoing, the Planning Board at its meeting of March 23, 2005 voted as follows: The Planning Board grants the Special Permit for the Aquifer Protection District requested to remove the existing structure and construct 12 town house units, two of which will be affordable (low/moderate income) units under the Housing Overlay Option

Plan II. The following conditions apply to the approval of the grant of the Special Permit for the Aquifer Protection District.

1. All construction shall be carried out in substantial accordance with the Final Site Plan, as noted below, in all material respects.

Admirals Cove Site Development Plan  
Natick, Massachusetts  
Applicant Paul V. Griffin  
Book 22549 Page 182, Scale 1"=20' March 17, 2003  
Revision dates: September 17, 2004 and January 25, 2005 consisting of 4 sheets  
MacCarthy & Sullivan Engineering Inc.  
205 Newbury Street, Suite 202, Framingham, MA 01701  
Landscape Plan Cosmos Associates  
Natick House Specifications dated February 27, 2005  
Building Elevations Home Builders Care Customized Structures Inc. P.O Box 884  
Claremont, NH 03743 Revision dates February 11, 2005 and February 22, 2005.

2. Following the endorsement of the Final Site Plan by the Planning Board, a photographic Mylar together with three copies of the approved Plan and a digital file copy, if available from consultants, in a format acceptable to the DPW, shall be provided to the Board.
3. The applicant shall enter into a maintenance covenant with the Town of Natick for the operation and maintenance of the on-site oil and water separator. The covenant shall include a plan that details the type and frequency of the maintenance activities for the above mentioned stormwater system.
4. Both the Planning Board and the Department of Public Works shall be given written notification of the start of construction.
5. If the Applicant submits revised drawings, the provisions of the Board's rules and regulations regarding the Applicant's obligation to provide funds for the hiring of consultants to review such submissions shall apply and the Board shall retain jurisdiction of the matter in order to assure that these submissions are in compliance with the foregoing conditions.
6. No occupancy permit shall be issued by the Building Inspector until the Applicant has provided the Town with as-built plans and a digital file copy (if available from consultants) in a format acceptable to the DPW.
7. The conditions of approval provided for herein shall not be superseded, modified, or removed, nor shall the Planning Board's authority to administer the conditions of approval provided for herein (including any surety that is required) by any action of any other federal, state, or Town agency. Should the Applicant or any funds provided by Applicant, be made subject to any such action or requirement, or should such action be

imminent in the opinion of the Planning Board, then the Applicant shall immediately appear before the Planning Board at its request. The Planning Board shall retain jurisdiction for the purpose of modifying or amending this decision, in whatever manner is considered by such Board to be necessary, in order to carry out the original purpose and intent of this decision, to the maximum extent feasible under the circumstances then pertaining.

NATICK PLANNING BOARD

MEMBER	VOTE
<u>[Signature]</u>	<u>Yes</u>
<u>[Signature]</u>	<u>Yes</u>
<u>[Signature]</u>	<u>YES</u>

MEMBER	VOTE
<u>Robert W. Escamuse</u>	<u>Yes</u>
<u>[Signature]</u>	<u>Yes</u>
DATE April 20, 2005	

TOWN CLERK-NATICK

2005 APR 21 PM 3:14

RECEIVED

A True Copy  
 Attest.  
*[Signature]*  
 Town Clerk, Natick

BEFORE THE NATICK PLANNING BOARD

In Re: Application of 7 Dewey Street  
Admiral's Cove L.L.C and Paul V. Griffin, Jr.  
555 Bedford Street  
Whitman, MA 02382

Decision 14-2005

Situs: Assessor's Map 44, Lot 312  
Book: 22549, Page 182  
Natick, MA

RECEIVED  
2005 APR 21 PM 3:14  
TOWN CLERK-NATICK

FINAL SITE PLAN AND SPECIAL PERMIT

Statement of Facts:

The applicant, by an application dated November 1, 2004 has requested approval of plans for a Special Permit under the HOOP II Site Plan Review and Aquifer Protection District. The applicant proposes to remove an existing multi-family house and construct 12 town house units, two of which will be affordable (low/moderate income) units. The applicant proposes sufficient off-street parking and significant landscape and streetscape improvements.

The Situs is located on the east side of Dewey Street. The petitioner requests Site Plan Review/Approval and the granting of Special Permits, pursuant to the provisions of Sections III-A6 B-Housing Overlay Option Plan-(HOOP) and section VI-DD of the Natick Zoning By-Laws (the "By-Laws"- all references to "Section" or "Sections" herein are to Sections of such By-Laws), with the Natick Planning Board (the "Board) acting as the Special Permit Granting Authority (SPGA) under Section VI-DD 2a

The Project is shown on the following plans submitted by the Applicant and prepared by the Applicant's engineer, MacCarthy & Sullivan Engineering, Inc. 205 Newbury Street, Suite 202, Framingham MA 01701. The applicant has also submitted Building Elevations prepared by Home Builders Care of Claremont NH 03743 and Architectural Renderings from Egan Associates Architects and Planners from Natick MA.

All of said plans are hereafter collectively referred to as the "Final Site Plan".

Hearing:

Notice of the Public Hearing by the Planning Board on this matter was published in The Metrowest Daily News, on Friday, November 26, 2004 and again on Friday, December 3, 2004. Notice of the hearing was also sent to all "parties of interest" and posted in the Town Hall as required by Chapter 40A, Section 11, Mass. Gen. Laws.

The public hearing commenced Wednesday, December 15, 2004, was continued several times to Wednesday, April 6, 2005, when it was concluded.

**Reports of Town Agencies:**

Correspondence was received from the Department of Public Works, Board of Health and the Design Review Board copies of which are retained in the files of the Board.

**Findings:**

The Board after considering the Applicant's proposal, all information and materials that it has received (including the aforementioned plans and reports), information gathered from a site visitation, and comments made at the Public Hearing, makes the following findings:

1. The Parcel is located in the Housing Overlay Option Plan (HOOP II) zoning district, the Aquifer Protection District, the Residential Zoning District and the Industrial I Zoning District.
2. All regulations of the HOOP District and the criteria and standards for Site Plan Review apply.
3. In accordance with Sections VI- DD. 2a, the Planning Board is the Special Permit Granting Authority (SPGA) for the Project.
4. The Site Plan shows an entire Project as approved by this Decision.
5. The Project is subject to a Special Permit with Site Plan Review, in accordance with the Criteria for Approval of a Final Site Plan and the Standards for Site Plan Review set forth in Section VI-DD.
6. The Project is subject to the Design Review Board with respect to landscaping and Architectural Design.
7. The proposed use of the site is for residential housing. This use is set forth in the HOOP II district.
8. The maximum number of dwelling units allowed in the HOOP II district is the net land area which is 36,468 square feet divided by 3,500 square feet rounded to the nearest whole number which equals 10. The applicant is proposing to utilize the bonus provision of the HOOP district where the divided number is 3,000 square feet rounded to the nearest whole number or 12.

9. The Board finds that the project under the bonus provision meets the requirements under site Plan Review section VI-DD and HOOP Bonuses, Uses. The site plan demonstrates an overall planning concept that is harmonious with the existing neighborhood based on the following criteria:
  - A. The site plan offers the Town with an attractive project that will improve the Streetscape.
  - B. The Site Plan demonstrates an overall planning concept with a center courtyard that may be enjoyed by residents of the development and the neighborhood.
  - C. The Site Plan includes a professional landscape plan with substantial planting.
  - D. The Site Plan includes a lighting plan that lights the project in a pedestrian-friendly, aesthetically pleasing manner;
  - E. The Site Plan includes other elements found beneficial by the Design Review Board as contained in their memo dated March 21, 2005.
10. With respect to the requirements of the HOOP District, the following findings are made:
  - A. The total area of the parcel is 36,468 square feet.
  - B. The proposed building coverage of the site is 23.17% which is below the 40% and as such the coverage requirement is met.
  - C. The Board finds that all the set backs within the HOOP District have been met.
  - D. The Board finds that the requirement of two parking spaces per unit has been met and conforms to Section V-D of the By-Laws.
  - E. With respect to the Open Space Requirement the Project will provide 45% with the provision of a common/courtyard within the development and such Open Space Requirement is met.
11. All other requirements of the HOOP District have been met.
12. With respect to Affordable Housing the applicant is proposing to transfer to the Town of Natick or Eligible Purchaser, as the Town directs, 15%, that is two units, for low/moderate income housing and in accordance with the definition of Subsidized Housing found in Section 200 of the Natick Zoning By-Laws. The applicant proposes to deed to the Town of Natick units #11 & #12 for an amount equal to the Initial Affordable Price to an Eligible Purchaser, that is, \$167,900.00 (adjusted as of the date of transfer) to the applicant. Such units shall be maintained as such in perpetuity for the life of the project.



13. The applicant has appeared before the Design Review Board and has submitted Design Plans for all buildings, landscaping, and structures.

**Decision:**

After deliberation and consideration of all the foregoing, the Planning Board at its meeting of March 23, 2005 voted as follows: The Planning Board grants the Special Permit and Site Plan review requested to remove the existing structure and construct 12 town house units, two of which will be affordable (low/moderate income) units under the Housing Overlay Option Plan II. Further, in addition to the foregoing, the Final Site Plan for the Project is approved, subject to the conditions following hereafter. The following conditions apply to the approval of the grant of the Special Permit and Site Plan Review described above:

1. All construction shall be carried out in substantial accordance with the Final Site Plan, as noted below, in all material respects.

Admirals Cove Site Development Plan  
Natick, Massachusetts  
Applicant Paul V. Griffin  
Book 22549 Page 182, Scale 1"=20' March 17, 2003  
Revision dates: September 17, 2004 and January 25, 2005 consisting of 4 sheets  
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Claremont, NH 03743 Revision dates February 11, 2005 and February 22, 2005.

2. Following the endorsement of the Final Site Plan by the Planning Board, a photographic Mylar together with three copies of the approved Plan and a digital file copy, if available from consultants, in a format acceptable to the DPW, shall be provided to the Board.
3. The Applicant shall maintain, and shall enter into a covenant with the Town requiring the maintenance, in good condition of all landscaped open space and buffer strips. The Applicant shall provide security in the amount of 10% of the cost of the landscaping to ensure that required landscape plantings are maintained and survive for two (2) complete growing seasons following completion of planting.
4. The Applicant shall construct the landscaping on the Situs as shown on the Landscape Plan.
  - A. Should the Applicant desire to sell a unit prior to the completion of the installation of all of the landscaping, or should the installation of any portion of the landscaping

materials be more advantageous for growing and/or survival if planted at a later time, the Applicant shall post security in the amount equal to the unit pro rata share of 200% of its actual cost of any landscape material not installed upon the sale of each such unit. This requirement shall be met before the issuance of any occupancy permit.

- B. The Applicant and its successors and assigns shall be responsible for the maintenance of all landscaped open space, fencing and buffers. Landscaping and fencing shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris. Landscaped materials shall survive for a minimum of two complete growing seasons following installation. In the event any plant material dies within such two year period it shall be replaced as soon as practical. An additional two-year period for survival shall apply to such replacement plant. This mechanism for replacement of plant material that does not survive two complete successive growing seasons shall continue to prevail until each plant specified in the landscaping materials that is included in the Final Site Plans survives for a period of two complete successive growing seasons.
5. No occupancy permit shall be issued by the Building Inspector until the Board has voted its approval that all landscaping and buffer strips conform to the approved landscape plan and planting schedule, or thirty (30) days has elapsed since the filing of a written request for such approval with the Board and the Building Inspector, or unless the Applicant has posted the security as required above in section 3.
6. In accordance with the recommendations from the Design Review Board the plans shall be revised to reflect the following recommendations:
- A. The A/C units are not shown on the plans or elevations. They are to be located at the rear, hanging 3 feet off the ground if possible or located in the front to be screened from view.
  - B. Driveway for Units 11 & 12 should be 12 feet from curb line. Parking spaces shall be located next to Unit 12 towards the rear of the building, but not beyond the back edge of the units.
  - C. All "farmer's porches" shall have lattice beneath to screen concrete foundation.
  - D. The finish of all exterior vinyl trim components shall be a white finish (matte if available without special order).
  - E. The finish of the vinyl clapboard siding shall have a 4" show; – color approved as specified.
  - F. Front door style changed to style #S236 from #S1055, per specifications.



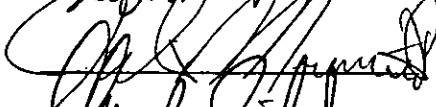

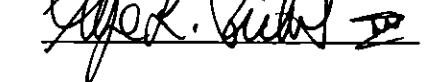
- G. Roof shingle color changed to Driftwood per specifications.
  - H. Window shutters added to upper windows on gable end dormers of units, not necessary on the windows at the smaller dormers.
  - I. Board recommends a 12/12 roof pitch on Unit 12 (same as the other units). However, if this cannot be achieved per the architect's concerns then the board requires that the pitch be no less than 10/12.
7. The applicant shall provide a 6' high vinyl fence along the easterly property line and a wood guard rail on the southerly property line as shown on the site drawing.
  8. All curb cuts and cement concrete sidewalk shall be constructed in accordance to DPW specifications
  9. Both the Planning Board and the Department of Public Works shall be given written notification of the start of construction.
  10. The applicant shall provide the house plans to one member of the Planning Board (determined by such Planning Board) at least 30 days prior to the requested issuance of a building permit for such Planning Board member's review for consistency with this decision such Planning Board member shall report consistency to the Building Inspector.
  11. If the Applicant submits revised drawings, the provisions of the Board's rules and regulations regarding the Applicant's obligation to provide funds for the hiring of consultants to review such submissions shall apply and the Board shall retain jurisdiction of the matter in order to assure that these submissions are in compliance with the foregoing conditions.
  12. If any non-deminumus changes to the plans or site occur, the Applicant must come back before the Planning Board for a Modification. The Planning Board reserves the right to review lighting installation in respect to conformance with the lighting plans approved herewith and may make modifications as may be necessary to reduce glare and minimize light trespass.
  13. No occupancy permit shall be issued by the Building Inspector until the Applicant has provided the Town with as-built plans and a digital file copy (if available from consultants) in a format acceptable to the DPW.
  14. The conditions of approval provided for herein shall not be superseded, modified, or removed, nor shall the Planning Board's authority to administer the conditions of approval provided for herein (including any surety that is required) by any action of any other federal, state, or Town agency. Should the Applicant or any funds provided by Applicant, be made subject to any such action or requirement, or should such action be

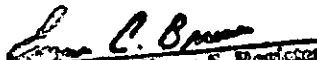
imminent in the opinion of the Planning Board, then the Applicant shall immediately appear before the Planning Board at its request. The Planning Board shall retain jurisdiction for the purpose of modifying or amending this decision, in whatever manner is considered by such Board to be necessary, in order to carry out the original purpose and intent of this decision, to the maximum extent feasible under the circumstances then pertaining.


- 15. The Town of Natick shall devise a fair and reasonable plan for marketing units #11 and #12. In general, tenant or buyer selection will be conducted by means of a lottery. The lottery will be conducted after the expiration of all appeals of the permit and other required permits or approvals not covered by this Special Permit. Since the units will be ownership, Buyer selection activities should be scheduled to begin approximately 6 months prior to the anticipated date of occupancy. The Town of Natick will be responsible for activities such as outreach, advertising, conducting general workshops and overseeing the mortgage application process.
- 16. The two affordable units shall be deed restricted and maintained as such in perpetuity. One affordable unit shall be offered to Family of Current Residents of the Town of Natick. Residency shall be established through Town Clerk Certification. The units will be offered pursuant to the application section of the Natick Zoning By-Laws.
- 17. The project shall be constructed in accordance with Section 116.21 of the Massachusetts State Building Code that the project shall have the requirements of Section 116.22 (Construction Control).
- 18. The applicant shall enter into a maintenance covenant with the Town of Natick for the operation and maintenance of the on-site oil and water separator. The covenant shall include a plan that details the type and frequency of the maintenance activities for the above mentioned stormwater system.

RECEIVED  
TOWN CLERK - NATICK  
APR 21 PM 3:14

**NATICK PLANNING BOARD**

MEMBER	VOTE	MEMBER	VOTE
	Yes		Yes
	YES		Yes
	YES	DATE April 20, 2005	

  
Town Clerk, Natick

A True Copy  
Attest:  
  
Town Clerk, Natick