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LAW OFFICE OF  
CHARLES F. ROUSSEAU  
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FRAMINGHAM, MA 01701

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BUILDING  
PLANNING  
ZONING  
CONSERVATION

# COMMUNITY AND ECONOMIC DEVELOPMENT

BEFORE THE NATICK PLANNING BOARD

**In Re:** Trask, Inc.  
337 Turnpike Road, Suite 201  
Southborough, MA 01772

**Project:** McHugh Farms, Comprehensive Cluster Development **Decision:** 44-18

**Situs:** Assessors' Map: 67, Lots: 9, 10, 14 & 15 AND Map: 66, Lot: 9

plan # 687  
and # 688 of  
2018

## SITE PLAN, SPECIAL PERMIT AND SUBDIVISION APPROVAL

### STATEMENT OF FACTS

Ben Stevens, Trask Inc., submitted an Application requesting approval of a **COMPREHENSIVE CLUSTER DEVELOPMENT AND DEFINITIVE SUBDIVISION PLAN** identified as follows:

"McHugh Farms Definitive Subdivision Plan Cottage Street in Natick, MA.," plan sheets 1-29, Prepared by Bruce Saluk & Associates, 576 Boston Post Road E., Marlborough MA, Stamped and signed by Bruce M. Saluk- Registered Professional Engineer No. 32375, and Bruce M. Saluk - Registered Land Surveyor No. 35415. Latest revision dated June 20, 2018.

**Applicant :** Trask, Inc.  
337 Turnpike Road, Suite 201  
Southborough, MA 0177

**Owners:** John J. McHugh, JR.  
8 Wayside Road  
Natick, MA 01760  
Assessors Map 67 Parcels 14 & 15 and Map 66 Parcel 9

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2018, 688

Trask Inc.  
337 Turnpike Road, Suite 201  
Southborough, MA 01772  
Assessors Map 67 parcel 9

Julia M. Barnabo & George A. Barnabo  
143 Cottage Street  
Natick, MA 01760  
Assessors Map 67 parcel 10

*Deed - Bk 24684-229  
57373-514*

Prepared by: Bruce Saluk & Associates  
Civil Engineering and Land Surveying  
576 Boston Post Road East  
Marlborough, MA 01752

comprising the following Sheets:

- Sheet 1 of 29 CO: Title Sheet
- Sheet 2 of 29 IND: index plan
- Sheet 3 of 29 EX1: Existing Conditions Plan
- Sheet 4 of 29 EX2: Existing Conditions Plan
- Sheet 5 of 29 EX3: Existing Conditions Plan
- Sheet 6 of 29 P1: Property Plan
- Sheet 7 of 29 P2: Property Plan
- Sheet 8 of 29 P3: Property Plan
- Sheet 9 of 29 C1.01: Grading, Erosion and Sediment Control Plan
- Sheet 10 of 29 C1.02: Grading, Erosion and Sediment Control Plan
- Sheet 11 of 29 C1.03: Grading, Erosion and Sediment Control Plan
- Sheet 12 of 29 C1.04: Site line plan
- Sheet 13 of 29 C1.05: Wetland crossing and replication
- Sheet 14 of 29 C2.01: Drainage and utility plan
- Sheet 15 of 29 C2.02: Drainage and utility plan
- Sheet 16 of 29 C3.01: Water and Sewer plan
- Sheet 17 of 29 C3.02: Water and sewer plan
- Sheet 18 of 29 C4.01: Road plan and profile
- Sheet 19 of 29 C4.02: Road plan and profile
- Sheet 20 of 29 C4.03: Road plan and profile
- Sheet 21 of 29 C5: Detail Sheet
- Sheet 22 of 29 C6: Detail Sheet
- Sheet 23 of 29 C7: Detail Sheet
- Sheet 24 of 29 C8: Detail Sheet
- Sheet 25 of 29 C9: Detail Sheet
- Sheet 26 of 29 C10: Detail Sheet
- Sheet 27 of 29 C11: Detail Sheet
- Sheet 28 of 29 C12: Detail Sheet
- Sheet 29 of 29 C13: Detail Sheet

Said Definitive Subdivision Plan is hereafter referred to as the "Subdivision Plan" or the "Plan".

The proposed project includes the construction of a new roadway "Graystone Lane" with access off of Cottage Street and Wayside Road to Rockland Street, for the creation of fifteen (15) new lots (plans show two (2) additional ANR lots not part of the subdivision/cluster project request). The project includes a total of 31 housing units, including 17 townhouse style units and 14 single family home lots. Ten (10) percent of the units shall be affordable (low/moderate income housing) pursuant to Local Action Unit (LAU) program and able to be counted towards the Town's Subsidized Housing Inventory (SHI). There are approximately 13.2 acres of open space proposed.

### **STATEMENT OF FACTS OF PUBLIC HEARING:**

Notice of the Public Hearing by the Board on the matter of Subdivision Approval was published in the MetroWest Daily News on March 20, 2017, and then again on March 27, 2017. Notice of the hearing was also sent to all "parties of interest" as certified by the Boards of Assessors of the Town of Natick and posted in the Town Hall as required by Chapter 40A, Section 11, Massachusetts General Laws.

The Public Hearing by the Board on the matter of Subdivision Approval was commenced on April 5, 2017 and was continued for hearings to May 3, 2017, May 17, 2017, \*June 21, 2017, July 12, 2017, August 9, 2017, October 25, 2017, November 1, 2017, \*December 20, 2017, \*January 24, 2018,\* February 28, 2018, March 28, 2018, May 23, 2018, June 6, 2018, June 27, 2018, July 11, 2018, and July 25, 2018 when the Board voted to close the Public Hearing.

At the public hearings, the Applicant presented testimony on behalf of the Application and comments were received from the public and Town Departments.

At the public hearings noted with a "\*\*\*", the applicant requested and the Board granted a continuation of the public hearing with no testimony and no public comment.

### **REPORTS OF TOWN AGENCIES**

Correspondence was received from the Board of Health dated April 3, 2017; the Department of Public Works dated April 5, 2017 and July 8, 2018; and from Traffic Safety Officer Lt. Brian Lauzon dated June 25, 2018 and July 10, 2018. The correspondence is retained in the files of the Planning Board.

### **REPORTS & CORRESPONDENCE**

Green International Affiliates (for site civil engineering and conformance with the Town's subdivision regulations and bylaws) and Haley and Ward (for water/sewer infrastructure review) were hired to peer review this Project and reports were received. The Applicant presented

reports regarding the engineering and drainage issues prepared by its consultants. To the extent possible, the applicant addressed the concerns of the Town’s peer review consultants.

**FINDINGS:**

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

- 1) The Parcel is located in the Residential Single Family (RSB) zoning district.
- 2) The Board finds that the project site and project details meets or exceeds the minimum applicability and intensity regulations of the Comprehensive Cluster Development (Section III-5.F), including:
  - a. Required gross land area - 1,000,000 SF required, 1,144,682 SF provided;
  - b. Required open space - 50% of tract required, a minimum of 50% is provided;
  - c. Maximum allowed wetlands in open space – up to 50% allowed, 17% provided;
  - d. Required units located within 500 feet of open space - 80% required, whereas 100% of units are located within 500 feet of open space;
  - e. All single family lots are a minimum of 20,000 square feet
  - f. All single family lots meet the required continuous frontage or comply with the allowed exception under Section III-5.F (8c) (frontage need not exceed 50ft if the width of the building line is at least equal to the frontage otherwise required);
  - g. Required minimum front, side, and rear yard setbacks;
  - h. Required maximum building coverage and building height.
- 3) Under Section III-5.F (8a) – the Board finds that the reduction in setback from one hundred (100) feet of the boundaries of the parcel to a lesser setback, in no circumstances less than fifty (50) feet, is sufficient to visually screen or separate the development from the adjacent property on the following lots:

a. Lot 1:	
Distance to ANR Lot B: (lot is part of project; but not a CCD lot):	50'
Distance to 149 Cottage Street lot line	50'
b. Lot 2:	
Distance to 149 Cottage Street lot line	60'
Distance to 153 Cottage Street lot line	63'
c. Lot 3:	
Distance to 153 Cottage Street lot line	60'
Distance to 157 Cottage Street lot line	62'
d. Lot 9:	
Distance to 9 Bluestone Way	90'
e. Lot 15:	
Distance to ANR lot A (lot is part of project, but not a CCD lot)	83'

- 4) The Board finds that the application meets or exceeds the minimum criteria used to determine that the proposed Comprehensive Cluster Development is superior to a conventional subdivision. Specifically, the project:
- a. Preserves and provides public accessibility to open space for conservation and recreation objectives current with the Town's open space plan. Further the project protects adjoining premises by providing strips of preserved open space and/or protected landscaped areas;
  - b. Protects significant large continuous areas of natural features of the land and avoids extensive topographic change;
  - c. Protects other significant features of the site;
  - d. Provides for a more efficient use of the land for street, utilities and other public services; and
  - e. Provides for a diversity of housing unit styles, sizes, and architectural elements, by providing a mix of single family and townhouse units.
- 5) The Board grants the following waivers, requested by the Applicant, of the Rules & Regulations of the Planning Board governing the Subdivision of Land on the basis of findings:
- a. § IV.A.1.g requires a maximum 7.00% grade for minor streets. A waiver is granted to allow an 8% road grade on a portion of Graystone Lane to minimize land disturbance.
  - b. § IV.A.1.k states, unless special conditions exist, all streets shall have a layout width of 50'. A waiver to Sec. IV(A)(k) to allow a 40 FT R.O.W. width is granted to enable a more beneficial configuration of buffer areas and open space, except for such section of Graystone Lane proximate to Cottage Street accommodating a center landscape island which shall have a 60 FT R.O.W..
  - c. § V.B.1 of the Subdivision Rules & Regulations, drain pipes shall be reinforced concrete. A waiver is granted to allow two HDPE 10 FT long pipes located between the detention basin outlet headwall and the outlet control structure based on the recommendation of the Town Engineer relating to service life.
  - d. § V.B.1 requires at least 30 inches of cover over drainage pipes. A waiver is granted to allow less than 30" cover over the drain pipes at the low point in Wayside Road. The 30-inch pipe cover cannot be achieved due to the elevation of the existing driveways on Wayside Rd. This area is located at CB's 12-14 and WQI#3 shown on Sheet C2.02. It was agreed, at the July 20<sup>th</sup> DPW and Peer review meeting, to use a stronger Class V RCP. See note #2 on Sheet C2.02.

The same waiver is also granted for the 12" detention basin outlet pipe located between the end wall and the outlet control structure. This is a non-traffic area.

- e. § V.B.2 requires a Catch Basins 300' maximum from road crests and other catch basins. A waiver is granted between the Road crest on Wayside Rd and CB's 7A & 7B for 317 FT. And, Road crest high on Graystone LN and CB's 5 & 6 for 309 FT.
  - f. § V.B.3 of the Subdivision Rules & Regulations, concrete headwalls shall be constructed at the open ends of any drain pipe where the same serve as outlets to the drainage system. A waiver is granted to allow a reinforced precast concrete flared end section at both detention basin inlet pipes. Using the flared end section was determined to be acceptable at the July 20<sup>th</sup> DPW and Peer review meeting.
  - g. § VI.B of the Subdivision Rules & Regulations, sidewalks shall be constructed on both sides of the street. A waiver is granted to allow a side walk on only one side of the street. The Planning Board waives the construction of a sidewalk on one side of the street in consideration of the construction of a sidewalk on Wayside Road, the construction of public accessible paths on the buffer space lands, and boardwalks as may be necessary to traverse wetlands. Total length of sidewalk request for waiver: 2,450'.
  - h. § VI.H requires a fire alarm to be set. A waiver is granted for this requirement as it is not required by current Fire Department practices.
  - i. § VI.K requires street lights. A waiver is granted for this requirement for the purpose of preventing light pollution in a generally rural area.
- 6) The proposed Comprehensive Cluster Development (CCD) will not be detrimental to the neighborhood. The desirable relief may be granted without nullifying or substantially derogating from the intent and/or purpose of the subdivision rules and regulations, as the construction of thirty-one (31) homes (17 townhouses and 14 single family) will not tend to intrude upon adjacent residences, nor create an appearance of building congestion on this parcel or in this neighborhood as all lots conform to the zoning requirements and have safe access to the new road.

## **DECISION**

After consideration of the above facts the Natick Planning Board, having heard the Applicant and the comments of all parties in attendance at the hearings, and after visiting the Site and after due deliberation, voted at its meeting of June 27, 2018, to approve the application for Site Plan, Special Permit and Subdivision Approval in accordance with Section III-5.F, VI-DD and VI-EE for development as a Comprehensive Cluster Development project as above identified, subject to the following conditions:

- 1) Off-street drainage shall be accomplished by the grading of land so that no standing water or water pockets, natural or man-made, shall remain on the development or on adjacent land as a result of the grading of the development. Installation of the proposed drainage

swale for lots 13 & 14 as recommended by the Town Engineer shall be included within the site's off-street drainage plan.

- 2) No building or structure shall be placed on any lot without the written permission of the Board of Health, per Chapter 41, Section 81U, M.G.L. To aid the Board of Health in its deliberations, the builder, owner or developer shall submit to it a plan showing the location of the house on each lot, the existing and proposed contours for the lot, elevations of the proposed concrete floor and top of foundation, footing drains and outfalls, street elevation in the front of the house, proposed driveway elevations and any other information requested by the Board of Health. The information shall be submitted at the scale of 1" = 20', and lot numbers and datum shall conform to the Subdivision Plan.
- 3) Prior to the first lot release from the covenant for construction, the applicant shall submit to the Planning Board the proposed Home Owners Association (HOA) agreement format including duties, obligations, site maintenance requirements, fees, collection procedures, and any other assignments as noted within this decision for approval. The HOA will be recorded against all lots within the proposed Comprehensive Cluster as well as to the lots shown as ANR Lots A and B. For purposes of the HOA; all 17 townhouse units shall represent one vote each, 17 votes total. As permitted, the HOA will contain 33 home owners, all with equal vote and obligation.
- 4) The final format of the Stormwater Management O&M Plan, submitted as part of the Conservation Commission's Land Disturbance Permit, shall be modified as required by the Town Engineer and Conservation Agent. Prior to the issuance of any building permits for this subdivision (a) the Covenant for the O&M Plan shall be recorded at the Registry of Deeds and (b) a homeowners' agreement providing for performance of the O&M Plan and maintenance of the stormwater system by homeowners, in a form approved by Town Counsel, shall be recorded at the Registry of Deeds. Prior to the release of any lot, the applicant shall provide evidence to the satisfaction of the Planning Board that the lot and its homeowners are subject to the covenants set forth in subparagraphs (a) and (b) herein.
- 5) Prior to the first lot release, the final HOA documents for the new neighborhood shall be provided to the Director of the Community and Economic Development Department for review and approval to ensure proper provisions are outlined regarding the status of access and maintenance of all open space areas, landscape easement areas, including acknowledging the existence of any easements specific to the Cottage Street entrance island, sight lines at the intersection with Cottage Street, the cul-de-sac island, and maintenance responsibilities for all public walking trails, or other types of public access areas and landscaped areas. The maintenance of such areas shall be the sole responsibility of the HOA to be created.
- 6) Prior to the first lot release, an easement to the Town of Natick covering the open space identified for public access shall be executed to the satisfaction of the Community and Economic Development Department prior to the first lot release. This open space

easement shall specify that maintenance of the easement area shall be the responsibility of the HOA association for the property (not the Town).

- 7) Upon completion of work, the Applicant shall remove from the roadway and adjoining property all temporary structures, storage trailers and scrap or surplus material and rubbish which may have accumulated during the prosecution of work, and shall leave the workplace in a neat and orderly condition.
- 8) Construction shall begin within one (1) year from the date of approval. However the Planning Board may allow extensions for the start of construction beyond this time, and reserves the right to require increases in the surety posted for such improvements as may be necessary in its opinion to insure continued performance of the requirements of this decision. During construction all efforts shall be made to reduce dust and noise emanating from the construction site.
- 9) Construction shall not commence prior to 7:00 A.M. nor continue after 4:30 P.M. Monday through Friday and shall not commence prior to 8:00 AM nor continue after 4:30 PM on Saturday.
- 10) Both the Planning Board and the Department of Public Works shall be given written notification at the start of construction.
- 11) The Subdivision Plan shall be in accordance with the conditions of this approval prior to endorsement by the Planning Board. The signature of the Planning Board on such revised plans shall constitute approval of applicant's compliance with all of the conditions set forth herein requiring revision of the Plan. All easements to be given to the Town shall be labeled as "Utility Easements" save for the easement from Michael Terrace which shall be a "Public Access and Right of Way Easement". Instruments for all easements and grants of fee ownership proposed to be given to the Town are to be submitted to the Planning Board for review and approval, and then shall be recorded at the Registry of Deeds by the Applicant prior to the release of any lots. A copy of each such recorded instrument shall be provided to the Planning Board prior to the release of any lots. Construction shall be performed in accordance with the revised Subdivision Plan.
- 12) Three (3) paper sets and one electronic version of the approved plans shall be provided to the Planning Board following endorsement by the Board.
- 13) Reference to this decision and the conditions contained herein shall be inscribed on the plan that is recorded with the Registry of Deeds prior to the endorsement by the Planning Board.
- 14) No occupancy permit shall be issued by the Building Inspector until the Applicant has delivered final site civil as-built plans to the Engineering Department in a digital file format and paper format acceptable to the Department of Public Works or the Applicant has provided a surety bond in an amount approved by the Planning Board.



- 15) Unless an acceptable bond is posted prior to the release of any lots, all underground utilities shall be completed and tested, and all roads shall be properly graded and have the binder course in place.
- 16) A Performance Surety adequate to insure performance of all of the conditions specified herein shall be provided by the Applicant in an amount to be determined by the Planning Board prior to the release of any lots. Any request for release of any portion or all of such performance surety shall be made in writing to the Planning Board.
- 17) In event the contours on any lot are proposed to be significantly changed from those shown on the Subdivision Plan, the Applicant shall immediately advise the Planning Board and shall appear before the Board so the Board may review and approve or reject such proposed change.
- 18) To ensure that required landscaped materials are maintained and survive for two complete growing seasons following installation, as required by this Decision, Applicant shall post security in the amount equal to 20% of its cost for purchase and installation of all such landscape materials.
- 19) All surety to be provided by the Applicant in accordance with any provision in this Decision, shall be provided in the form of a suitable letter of credit or a savings bank passbook, with at least six withdrawal slips made out to the Planning Board of Natick and signed by the Applicant, or other form of surety satisfactory to the Board. Should any payment be necessary out of any such funds, the Applicant has agreed that the Planning Board is authorized to draw on the letter of credit, or withdraw any sum necessary from a savings bank, or to call on any other surety to effectuate such payment. Any request for release of any portion, or all of such performance surety shall be made in writing to the Planning Board, who shall be the administering authority for all matters in connection with the subdivision, unless provided for otherwise hereinabove.
- 20) In the event that the Applicant shall be required to do blasting in connection with the construction of the subdivision, he shall conduct pre-blast surveys for all existing dwellings within 300 feet of any blast site within the project, prior to the release of any building lots by the Planning Board if possible. Verification of such surveys and the identification of the pre-blast survey contractor shall be provided to the Fire Department and to the Planning Board. The original surveys shall be retained by the pre-blast survey contractor for a period of two years following completion of blasting, and be available for examination in the case of claims made by the homeowners who are affected. Should any blasting be found to be necessary following the release of any building lot, a pre-blast survey shall be conducted as described, and no lot on which blasting has been done until the required verification as above described has been completed.
- 21) Prior to the start of construction, the Applicant shall submit amended plans to the Community and Economic Development Department, DPW, and Planning Board to reflect and incorporate adjustments to the final configuration of the proposed landscaped

island off Cottage Street to maximize its practicable planting width. Said island, as well as the site line south along Cottage Street as shown on submitted plans, shall be maintained by the HOA to be created for the subdivision. No Certificate of Occupancy shall be issued until approved by the Fire Department to ensure turning radii of fire safety vehicles are property accommodated.

22) The Applicant shall install a guard rail along Cottage Street near the curve of the road proximate to this subdivision, the location and construction of which is to the satisfaction of the Department of Public Works.

NATICK PLANNING BOARD

Member	Vote	Member	Vote
<u>Ben B. Water</u>	<u>Yes</u>	<u>[Signature]</u>	<u>Yes</u>
<u>[Signature]</u>	<u>Yes</u>	<u>[Signature]</u>	<u>Yes</u>
<u>[Signature]</u>	<u>Yes</u>		

Date: July 25, 2018

**\*\* NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK OF NATICK \*\***

*In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Natick Town Clerk, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.*

Attest: [Signature] 8/22/2018  
 Diane Packer, Town Clerk Date

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