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MARGINAL REFERENCE REQUESTED

BOOK 12571 PAGE 712

Office of the  
**T O W N C L E R K**  
**195 Main Street – Town Building**  
**Maynard, Massachusetts 01754**  
**Telephone (978) 897-1300**

**January 6, 2014**

**Re:** Decision of the Planning Board  
Notice of Decision relative to Fowler Street Extension  
Definitive Subdivision  
Assessor's Map 20 Parcel 197  
Fowler Street Extension  
Maynard, MA 01754

**Date of Decision:** **December 17, 2013**

**Applicant:** **Orchard Valley Construction, Inc.**  
**10 Fowler Street**  
**Maynard, MA 01754**

I hereby certify that this decision and any authorized signatures are true copies of the original and that 20 days have elapsed from the filing date of the decision and that no appeal has been filed in this office.

**Attest: A True Copy**

*Michelle L. Sokolowski*

**Michelle L. Sokolowski, Town Clerk**

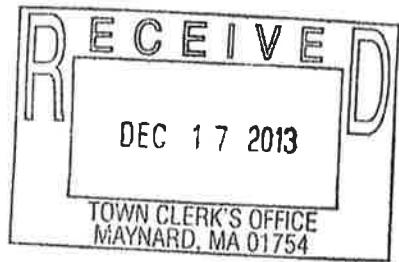
**Attest: A True Copy**

*Michelle L. Sokolowski*

**Town Clerk**

**Seal**

**Registry of Deeds, South Middlesex District**  
**208 Cambridge Street**  
**East Cambridge, Ma 02141**  
**(617) 679-6300**



MAYNARD PLANNING BOARD  
NOTICE OF DECISION  
Relative to  
FOWLER STREET EXTENSION DEFINITIVE SUBDIVISION  
Maynard, Massachusetts

December 17, 2013

**Applicant:** Orchard Valley Construction, Inc.  
18A Mill Street  
Maynard, MA 01754

**Date of Application:** June 19, 2013

**Owner:** David L. & Rosemary L. Lent  
10 Fowler Street  
Maynard, MA 01754

**I. General**

Orchard Valley Construction, Inc. of 18A Mill Street, Maynard, MA (hereinafter "the Applicant") submitted to the Maynard Planning Board (hereinafter also referred to as "the Board") a Definitive Plan with supporting documentation on June 19, 2013 for the development of a 5-lot single-family residential subdivision as provided for in the Maynard Protective Zoning Bylaws (hereinafter "Zoning Bylaws"), MGL Chapter 40A, The Zoning Act (hereinafter "Chapter 40A") and MGL Chapter 41, Section 81, The Subdivision Control Act (hereinafter "Chapter 41 SCL") and the Maynard Rules and Regulations Related to the Subdivision of Land, as amended through August 14, 2007 (hereinafter "Rules and Regulations").

During the review process before the Planning Board, the Definitive Plan was revised to its final form to consist of 5 lots along the Fowler Street Extension, which is being extended approximately 319 feet and configured as a dead-end street with a T-Turnaround. The total length of Fowler Street with the Extension is approximately 528 feet of roadway (to the end of the Cul-De-Sac right-of-way is a total of approximately 553 feet).

The proposed subdivision is located on 1.81 acres of land bounded by the existing Fowler Street and the existing 5 homes to the west, Town of Maynard-DPW land to the north and east and the Town-owned Glenwood Cemetery to the south.

## II. Plans and Documents Submitted in Support of the Application:

The following plans (hereinafter referred to as the "The Plans") and supporting documents were submitted to and reviewed by the Planning Board with the application, or during the Public Hearing process, and form the basis of this Decision:

- A stabled set of documents including:
  - a. A cover letter from Mark Donohoe, Acton Surveying and Engineering, dated June 19, 2013 that included list of requested waivers from the Board's Rules and Regulations.
  - b. Form C, Application for Approval of Definitive Plan dated June 19, 2013, signed by the Applicant.
  - c. Filing fee check in the amount of \$9,224.00.
  - d. Certified Abutters List dated May 9, 2013 with Assessors Map.
  - e. Town of Maynard Assessors Field Property Card for the subject parcel (Map 20 Parcel 197)
  - f. Fowler Street Extension Definitive Subdivision Plan, Environmental Impact Assessment, Section III.B.2(e)(3)
  - g. Fowler Street – Stormwater Management Report
- A set of nine (9) Plan Sheets entitled "FOWLER STREET EXTENSION DEFINITIVE SUBDIVISION Maynard, Massachusetts, June 19, 2013; Revised: October 18, 2013; Revised: November 18, 2013; Revised: November 21, 2013; Revised: December 3, 2013; prepared by Acton Survey & Engineering, 97 Great Road, P.O. Box 666, Acton, Massachusetts 01720 (978) 263-3666."
  - a. Sheet 1 of 9 Cover Sheet
  - b. Sheet 2 of 9 Record Plan
  - c. Sheet 3 of 9 Existing Conditions Plan
  - d. Sheet 4 of 9 Site Plan
  - e. Sheet 5 of 9 Roadway Plan and Profile
  - f. Sheet 6 of 9 House Location and Landscape Plan
  - g. Sheet 7 of 9 Site Details
  - h. Sheet 8 of 9 Erosion and Sedimentation Control Plan
  - i. Sheet 9 of 9 Fowler/Parker Streets Intersection Plan
- A letter dated July 11, 2013 from the Maynard Fire Chief indicating his review, concerns and proposed solutions to address his concerns related to his first review of the Fowler Street Extension Definitive Plans.
- A letter dated July 15, 2013 from the Maynard Conservation Commission indicating the Commission's review and comments.
- A letter dated July 18, 2013 from Mark T. Donohoe, Acton Survey & Engineering, Inc., regarding VHB's Peer Review Fee.
- Memorandum from the Town Planner, dated August 8, 2013, re: Town Planner Review of Fowler Street Extension.
- A letter dated August 8, 2013 from Mark T. Donohoe, Acton Survey & Engineering, Inc., regarding revisions to the Fowler Street Extension Definitive Subdivision Plans per the Fire Chief's July 11, 2013 letter. Letter included a Site Plan Worksheet, dated August 8, 2013.
- A letter dated August 21, 2013 from Mark T. Donohoe, Acton Survey & Engineering, Inc., regarding revisions to the Fowler Street Extension Definitive Subdivision Plans per the Fire Chief's comment, per July 11, 2013 letter and made at August 14, 2013 meeting with Mr. Donohoe and Fire Chief as well as addressing comments from August 8, 2013 meeting with the

Town Planner and Town Engineer. Letter included a Site Plan Worksheet, dated August 21, 2013.

- Letter from Wayne O. Amico, P.E., Senior Project Manager, VHB, Town Engineer, dated September 9, 2013 re: Fowler Street Extension Definitive Subdivision Plan Review.
- Email correspondence from Wayne O. Amico, P.E., Senior Project Manager, VHB, Town Engineer, dated September 9, 2013 to Mark Donohoe, Acton Survey & Engineering, regarding existing Fowler Street Water and Sewer pipe sizing.
- A letter dated September 16, 2013 from Mark T. Donohoe, Acton Survey & Engineering, Inc., with submittal of two concept plans (labeled Site Plan Worksheet Concept A and Site Plan Worksheet Concept B), based on comments from the neighborhood and Planning Board members at the September 10<sup>th</sup> Public Hearing.
- A letter dated September 19, 2013 from Mark T. Donohoe, Acton Survey & Engineering, Inc., providing examples of tee-turnarounds in West Acton.
- Memorandum from Jay Talerman, Town Counsel, Blatman, Bobrowski & Mead, LLC, dated September 23, 2013, regarding a Legal Opinion for Fowler Street Extension Definitive Subdivision as a Five-Lot Subdivision (The Applicant subsequently provided the additional \$300 for the Definitive Plan Application Filing Fee).
- A letter dated, September 24, 2013 from Mark T. Donohoe, Acton Survey & Engineering, Inc., prepared on behalf of the Owner and Applicant requesting extension to time within which Planning Board has to act on the Fowler Street Extension Definitive Plans to November 12, 2013.
- Sketch Plan, 500-Foot Road, Site Plan, Definitive Subdivision of Land Fowler Street Extension, Prepared by Mark T. Donohoe, Acton Survey & Engineering, Inc., dated October 18, 2013.
- A letter dated October 18, 2013 from Mark T. Donohoe, Acton Survey & Engineering, Inc., provided with submission of revised Fowler Street Extension Definitive Plans prepared in response from Board comments the September 24<sup>th</sup> Public Hearing and to address review by the Town Engineer.
- Stormwater Management Report, October 21, 2013, Definitive Plan of Land Fowler Street Extension, Maynard, MA; Prepared for Orchard Valley Construction, 18A Mill Street, Maynard, MA; Prepared by Acton Survey & Engineering, 97 Great Road, P.O. Box 666, Acton, Massachusetts 01720.
- A letter dated, October 22, 2013 from Mark T. Donohoe, Acton Survey & Engineering, Inc., prepared on behalf of the Owner and Applicant requesting extension to time within which Planning Board has to act on the Fowler Street Extension Definitive Plans to December 10, 2013.
- Memorandum from the Town Planner, dated October 23, 2013 to the Fire Department, Police Department, Department of Public Works, Board of Health, Building Commissioner, Conservation Commission, Assessors, and Board of Selectmen regarding request for review and comment on the submission of revised Fowler Street Extension Definitive Plans.
- Email correspondence from the Maynard Fire Chief to the Town Planner, dated October 23, 2013, regarding review and comment on the revised Fowler Street Extension Definitive Plans.
- A waiver request letter from Mark T. Donohoe, Acton Survey & Engineering, Inc., dated October 28, 2013 requesting a total of 12 waivers from the Rules and Regulations.
- A letter dated, November 26, 2013 from Mark T. Donohoe, Acton Survey & Engineering, Inc., prepared on behalf of the Owner and Applicant requesting extension to time within which Planning Board has to act on the Fowler Street Extension Definitive Plans to December 17, 2013.
- Letter from Wayne O. Amico, P.E., Senior Project Manager, VHB, Town Engineer, dated November 6, 2013 re: Fowler Street Extension Definitive Subdivision Plan Second Review, based on revised plans.

- Memorandum from the Town Planner, dated November 7, 2013, re: Town Planner Review of Fowler Street Extension Definitive Plan – Modified Plans.
- A letter dated November 11, 2013 from Mark T. Donohoe, Acton Survey & Engineering, Inc., addressing the comments contained in the November 7<sup>th</sup> Town Planner Memorandum and the November 6<sup>th</sup> Town Engineer letter concerning the Fowler Street Extension Definitive Plan.
- A letter dated November 13, 2013 from Mark T. Donohoe, Acton Survey & Engineering, Inc., provided with submission of revised Fowler Street Extension Definitive Plans prepared in response from comments made at the November 12th Public Hearing.
- Fowler Street Extension Cost Estimate, dated November 20, 2013, prepared by VHB, Inc.
- A letter dated November 21, 2013 from Mark T. Donohoe, Acton Survey & Engineering, Inc., provided with submission of revised Fowler Street Extension Definitive Plans prepared in response from comments made at the November 12th Public Hearing and meeting with Mark Donohoe, the Town Planner and the Town Engineer on November 19th.
- Letter from Wayne O. Amico, P.E., Senior Project Manager, VHB, Town Engineer, dated November 25, 2013 re: Fowler Street Extension Definitive Subdivision Plan Final Review, based on revised plans.
- A letter from December 3, 2013 from Mark T. Donohoe, Acton Survey & Engineering, Inc., provided with submission of revised Fowler Street Extension Definitive Plans, Sheet 4 (Site Plan: Grading and Drainage Plan) related to grading and drainage changes of snow storage area at the end of the turnaround and addition of stop sign at the intersection of Fowler and Parker Street.

### **III. Public Hearings(s) and Vote of the Planning Board**

As required by Section 81T of Chapter 41, the SCL, a duly noticed Public Hearing to consider the proposed Fowler Street Extension Definitive Subdivision Plans was opened by the Board on September 10, 2013 (with the appropriate extensions granted by the Applicant) until closed on December 10, 2013. The Planning Board voted 4 in favor to 0 opposed to Approve with Conditions the subdivision at its regularly scheduled meeting on December 10, 2013, with the Applicant granting an extension to December 17, 2013 for the Board to file its written decision with the Maynard Town Clerk.

The Planning Board's approval is based on the findings described below in Section IV, and with Conditions, as also hereby recorded in Section V.

### **IV. Findings and Comments of the Planning Board**

After conducting the Public Meeting, and after its own deliberation relative to the subject Preliminary Plan and supporting documents, the Board makes the Following Findings and Comments:

- A. The proposed project constitutes a subdivision within the meaning of Chapter 41 SCL.
- B. The subject property is split within two Town of Maynard zoning districts known as the General Residence (GR) District normally requiring 75 feet of continuous frontage along a street right-of-way, 70 feet of lot width at the building line and 7,000 square feet of lot area and the Single Residence District (S-1) normally requiring 100 feet of continuous frontage along a street right-of-way, 80 feet of lot width at the building line and 10,000 square feet of lot area. Lots 2 and 5 are split into the GR and S-1 Zoning District. Lots 1 is entirely in the GR District, Lots 3 and 4 are

entirely in the S-1 Zoning District. Because the proposed house footprint for Lot 2 falls within the S-1 Zoning District, Lot 2 is designed to comply with the S-1 Zoning District requirements.

- C. The proposed property lines for the new five (5) lots contemplated by the Fowler Street Extension Definitive Subdivision Plans and the lots created by those proposed property lines, appear to conform to the requirements of the Maynard Protective Zoning Bylaws.
- D. The Definitive Plans, and supporting documents and plans, satisfy the requirements for Definitive Plan submittals as required by the Rules and Regulations.
- E. The Project as proposed is in keeping with the intent, and satisfies the requirements of the Rules and Regulations.
- F. The Applicant has supplied the Board with all requested plans, reports, documents, calculations and analyses and other information required.
- G. The Applicant submitted a Notice of Intent to the Conservation Commission for work within the buffer zone on December 9, 2013. But a Notice of Intent Decision from the Conservation Commission has not been issued as of the date of this Decision.
- H. The Applicant submitted an application under the Town's Stormwater Management Bylaw to the Conservation Commission on December 9, 2013. But a Decision under the Stormwater Management Bylaw has not been issued as of the date of this Decision.
- I. The Board of Health has indicated to the Planning Board, by its non-written response but through oral testimony to the Town Planner, within the 45-day time period for such response, that the land in the proposed subdivision can be used as building sites without injury to the public health.
- J. A Covenant in a form acceptable to the Board must be submitted to the Board for review, which Covenant must be executed prior to the endorsement of the approved Definitive Plan by the Board. The approval of the Definitive Plan is, by statute, conditioned on the execution of said Covenant, or other acceptable security for the construction of the proposed improvements.

#### V. Waivers:

The Applicant has requested a total of twelve (12) waivers to the noted sections of the Rules and Regulations. The Planning Board has reviewed each of these twelve waivers in accordance with Section VI(A) of the Rules and Regulations. This review includes an analysis of the value provided to the Applicant by waivers granted versus value of amenities or concessions provided to the Town by the subdivision:

Value Provided to the Applicant by Waivers Granted:

- Construction cost reduction related to sidewalk, curb, radius, circular cul-de-sac and road width waivers
- Construction cost reduction related to underground utility waiver

- Increased real property asset value realized in the creation of five (5) single-family lots by road length and circular cul-de-sac waiver

Value of Amenities or Concessions to the Town:

- Milling and repaving of existing Fowler Street roadway
- Extension of water and electrical utilities to Town-owned Glenview Cemetery property boundary (including a spare conduit for possible cable/Internet installation) from the Fowler Street Extension through to the Glenwood Cemetery property by way of an easement provided along the side lot lines of Lots 2 and 3.
- Redevelopment of a underutilized/blighted property and maintaining character of the existing neighborhood
- Maintaining an increased setback from wetland buffer zone

After conducting the required value analysis under Section VI(A) of the Rules and Regulations, finding it was in the public interest, and not inconsistent with the purposes of the Chapter 41 SCL, the Planning Board voted 4 to 0 to waive strict compliance with the following provisions of its Rules and Regulations in accordance with M.G.L. Chapter 41 Section 81R of the Subdivision Control Law:

1. Section III.B.2 and Section III.B.2.b.(1) - Plan scale. Applicant requests to provide plans to be prepared at a horizontal scale of 1" = 20' and a vertical scale of 1"=2' instead of the required plan scales of 1'=40' for horizontal scale and 1"=4' for vertical scale, respectively. The Board finds that the requested scale size is appropriate given the size of the subdivision and allows increased plan clarity.
2. Section IV.A.1.(f) - Reduction in right-of-way centerline radius from 150 feet to 85 feet. The Applicant proposes the reduction in the right-of-way centerline radius noting that this proposed reduced radius of 85 feet is in keeping with the existing neighborhood character as the existing section of Fowler Street was laid out without horizontal curves. The Board finds that this waiver is in keeping with the character of the neighborhood and does not impact public safety negatively.
3. Section IV.A.2. – Reduction in minimum roadway width. Applicant proposes an 18-foot wide pavement width versus the requirement for a 26-foot wide roadway. The Board finds that the existing Fowler Street has a pavement of width of 18 feet, or even less in some areas, and the reduction to 18 feet is appropriate for this five-lot subdivision with a dead-end roadway. The Board also finds that there will be public benefit to the Applicant's proposal to repave the existing Fowler Street. The Board has also included a condition in the Subdivision Decision with installation of four (4) no-parking signs along the new Fowler Street extension and provisions of snow storage outside the paved area.
4. Section IV.A.3 9(b) & (c) – To allow a vertical curve less than 100 feet long. The Applicant proposes to allow the vertical curve from Station 1+32 to 1+82 to be 50 feet long versus requirement for 100-foot minimum. The Planning Board finds allowing the reduced vertical curve of 50 feet will not impact public safety negatively as the location of this curve is on the Fowler Street Extension roadway that will serve only four additional house lots and has a Dead-end Tee Turnaround that has been reviewed for public safety considerations.

5. Section IV.A.(4) - Extension of a dead-end street beyond 500 feet. The Applicant proposes an extension of an existing dead-end street to a total length of 553 feet instead of the 500-foot length for a dead end allowed by the Rules and Regulations. The Board finds that the actual paved portion will be a total of 528 feet, which is a minimal amount of distance beyond 500 feet. The extension has the approval of the Fire Chief, subject to the inclusion of no-parking and snow storage as indicated in Waiver request Section IV(K)3 above. Therefore, the Board further finds that this extension of a dead-end roadway beyond 500 feet would not impact public safety negatively.

This waiver results in a superior design versus allowing the construction of a conventional 500-foot roadway that would result in 4 more lots, two of which would be allowed duplexes under the Maynard Zoning Bylaw resulting in one extra dwelling unit than will be approved under this Decision and would be more in keeping with the character of the neighborhood.

6. Section IV.A.4.(b) – Elimination of a circular turnaround in place of a Tee-Shaped Turnaround. The Applicant proposes use of a Tee-shape turnaround in lieu of the circular cul-de-sac design required in Section IV.A.4.(b). The Board finds that the Tee-Turnaround was redesigned during the Public Hearing process to satisfy concerns from the Fire Chief and that the Plans show provision of adequate areas for snow storage away from the proposed driveways of the new lots. Therefore granting this Waiver would not impact public safety negatively and Conditions have been added to the Decision to ensure the snow storage areas remain unobstructed.
7. Section IV.E – To provide overhead utilities in lieu of underground utilities. The Applicant proposes to allow the utilities to service the subdivision lots to be installed above ground along Fowler Street from the existing pole 36-2 to the proposed pole at +/- pavement station 1+20 of Fowler Street Extension, if overhead wires are deemed by the utility companies to be a more appropriate way to service the residential units. The Board finds installation of overhead utilities to be consistent with the character of the neighborhood and approves such installation if approved by the utility companies.
8. Section V.A.4 – To vary conformity with the typical cross section. The Applicant proposes a cross-section that is not crowned, but cross-sloped from north (high point) to south (low point). The cross-slope is proposed to help with the Stormwater Management System. The pavement is also proposed to be off-set from the right-of-way in order to place it at a greater distance from the ice-contact slope. This also provides additional snow storage on the north side of the road due to the cross-sloping of the pavement in that direction and where solar gain will be greatest. The Board finds this design is consistent with the character of the neighborhood, results in superior Stormwater Management than a typical cross section would provide in this Subdivision, provides less impact on the natural environment and does not impact public safety negatively.
9. Section V.A.5. - To eliminate the provision for Cape Cod Berm. The Applicant proposes to construct the roadway without the provision of Cape Cod berm [rolled bituminous curbs] along both sides of the pavement. The Applicant notes that due to the use of on-lot stormwater recharge systems, the well-drained soils at the site, and limited tributary areas, substantial amounts of runoff will not be discharged to the road surface. The flat slopes of

the road surface will also not make the adjacent grass surface prone to erosion. The Board finds that the existing Fowler Street does not have Cape Cod berms installed and that it could be consistent with the existing Fowler Street neighborhood to allow eliminate Cape Cod berm provision on the Extension construction. The Board also hereby finds that not installing berms will not be detrimental to the Stormwater Management System and does not impact public safety negatively.

10. Section V.A.6. - Vertical granite curbing required on all curves having a radius of sixty feet (60') or less. The Applicant is requesting this Waiver to make use of sloped granite curbs. The proposed design is in conjunction with the Waiver request for Cape Cod berms. The Board finds that the proposed design is in keeping with the character of the neighborhood and will not impact public safety negatively. The Board also conditions the use of sloped granite curbs to have concrete installed on both sides of the sloped as is provided in the "45 degree sloped granite curb detail" on Sheet 7, Site Details, of the approved plans.
11. Section V.A.7. – Requirement for Sidewalk. The Applicant is requesting to eliminate the provision for installation of a sidewalk for the Fowler Street Extension, indicating that the existing Fowler Street does not have a sidewalk and that during the public hearing process the residents indicated there was no need for a sidewalk. The Board Finds that construction of a Fowler Street Extension without a sidewalk will be in keeping with the character of the neighborhood and that there will not be a threat to public safety given that Fowler Street Extension is a dead-end street that will be providing only 4 additional single-family homes into the neighborhood.
12. Section V.G. - Street Shade Trees. The Applicant requests a Waiver from the provision of two per street trees building lot. Instead the Applicant is proposing installation of three street trees within the right-of-way (a. Red Oak, b. White Oak and c. American Beech) as indicated on Sheet 6 of the approved Definitive Plans. The Applicant also proposes to preserve a Beech Tree located within the easement along the side lot line of Lots 3 adjacent to Lot 2. In addition the Applicant proposes a Korean Dogwood tree to be installed in each of the two (2) Treebox Filters. The Board hereby finds that the proposed Waiver allowing a deviation in the typical Street Shade Tree requirements is warranted, subject to tree installation and preserving plan, as indicated above. In addition, the Board has added a Condition to this approval to further require four (4) additional street trees be planted, if necessary, as stipulated in Condition VI(8) below. The Board also finds that there will be no net reduction of street shade trees in granting this waiver as ten (10) such trees are required for a five-lot subdivision and that a total of ten (10) trees will either be planted or preserved.

## **VI. Conditions Under Which This Definitive Plan Approval is Granted**

1. This decision applies only to the requested subdivision approval. Other approvals or permits required by other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this Decision.
2. All construction for the proposed improvements for the Fowler Street Extension Definitive Plan shall be in accordance with the approved Definitive Subdivision Plans and supporting documents, and as conditioned accordingly with this Decision of the Board.

3. All utility and road work within the Subdivision must be inspected and approved by both the Town of Maynard Department of Public Works ("DPW") and with the Planning Board's reviewing inspecting engineer. The Applicant and its successors and assigns shall give timely and adequate prior notice to the Planning Board inspector and the DPW to permit adequate in-process and final inspections (See Condition #38 below).
4. The Applicant and its successors and assigns are hereby notified that approval of the Stormwater management system by the Board will not relieve the Applicant of responsibility to abutting property owners whose land Applicant discharges water, directly or indirectly, or whose property or septic systems, if any, may be adversely affected by the in-ground Stormwater recharge structures proposed by the Applicant.
5. The Applicant and its successors and assigns shall maintain and ensure the proper functioning of all constructed ways, water, sewerage, drains, infiltration structures and other utilities on-site, and erosion control or lot stabilization measures for the duration of the project, and continuing until acceptance of the improvements by the Town of Maynard. The Planning Board reserves the right to examine and approve of erosion control measures employed in the field for adequacy and for compliance with these plans. The Applicant's erosion control measures shall be installed and maintained as required by the Conservation Commission.
6. Street lights shall be installed on the utility poles located at Station 1+25+/- and Station 3+20+/. Exact placement on the pole must be approved by the DPW prior to installation. The cost for the installation shall be at a sum to be determined by the DPW and paid to the Town of Maynard prior to construction and to be held in escrow for such purpose. The lights shall be the same as installed for/by Town at the time of installation. The Applicant and its successors and assigns shall, until the Fowler Street Extension has been accepted by the Town of Maynard or five (5) years after the construction and sale of the last home in the Subdivision, whichever comes first, provide during said period for street lighting power to safely and reasonably maintain said lighting. The Applicant shall provide to the Board a bond (in an amount to be specified by the DPW and approved by the Planning Board) with sufficient surety to assure compliance with this Condition.
7. In accordance with the Section IV(D)(i) of the Rules and Regulations, individual mailboxes must be placed on every house lot. Central Post Office Mailboxes are not allowed.
8. Shade Trees: In Accordance with Section IV(K)12 of this Decision, the Board is allowing a deviation from the standard of two streets trees to be installed on each lot outside the roadway. However, the Board has Conditioned this approval such that there will still be a total of ten (10) shade trees. As indicated on Sheet 6, four (4) additional street trees will be required to be planted within, or within ten (10) feet of the right-of-way. If at the time the Building Permit for the last house on Fowler Street Extension is issued, it is determined by the Town Planner or DPW Director that a minimum of four (4) suitable street shade trees have not been preserved on the five lots.
9. Water and sewer connections shall be provided to Lots 1-4 at the time of the initial construction of each roadway prior to placement of the binder course of pavement. Lot 5, 10 Fowler Street,

which already has an existing water and sewer connection, shall require an inspection by the Maynard DPW to ensure it is meeting required water and sewer service connection codes.

10. The Fowler Street Extension roadway shall be built to the Town of Maynard DPW and/or Planning Board specifications in accordance with, and as shown on, the endorsed Definitive Plans. Street bounds shown on the Plan must be installed in accordance with the DPW specifications and the Maynard Subdivision Rules and Regulations.
11. All utilities shall be installed to meet the standards of the Maynard DPW.
12. All connections to or modification of existing Town of Maynard utilities shall be done under the close supervision of the Director of the Maynard DPW, or his agent. It shall be solely the Applicant's responsibility to make the necessary arrangements for timely and appropriate notice to and supervision by the DPW Director of the work to be conducted.
13. An "as-built" plan showing exact locations of all improvements, including roadways, curbing, utilities and their locations with elevations on storm drainage structures and sanitary sewer systems components must be furnished to the DPW before said roadway and utilities are deemed approved and suitable for acceptance. Said Plan is to be prepared by an engineer or surveyor registered in the Commonwealth of Massachusetts. The plan must be on Mylar with six (6) sets of prints, and must be suitable for recording at the Registry of Deeds. Said plan should be submitted to the DPW and the Planning Board for their approval within 6 months of completion of the construction of the improvements, whether or not the roadway and utility improvements are to be accepted publicly by the Town. No roadway or utility improvements may be accepted by the Town without said 'as-built' plans.
14. No partial release or certificate of compliance from the Covenant from any lot(s) in the Subdivision shall be issued by the Planning Board until the Board has received written report(s) from its Inspecting Engineer, along with the DPW Director, verifying to the Board that for a particular lot(s) each and every Condition within this Decision has been complied with, as required. Alternatively, the Board may authorize a partial release from the Covenant in the event that the remaining work and each condition within the Decision have been bonded to the Board's satisfaction.
15. The Applicant shall not be entitled to any building permit for any lot in the Subdivision until the Planning Board and the Town Clerk have received evidence of recording of the Covenant, the Plan and this Decision at the Middlesex South District Registry of Deeds. Evidence of such recording by the Applicant with the Middlesex South District Registry of Deeds shall be provided within ninety (90) days of the date of approval of the Board (or ninety (90) days following the expiration of any appeal, if an appeal is taken).
16. The Applicant shall use and follow the sedimentation and erosion control procedures as are incorporated into the endorsed Definitive Plans. Adequate erosion control measures shall be maintained at all times during construction of the Subdivision. The Applicant shall monitor erosion control procedures on a daily basis during construction. Any breach in erosion control shall be promptly corrected and any resulting damage promptly restored to its original condition.

17. All paving shall commence prior to May 1<sup>st</sup> each year, unless permission for earlier paving is given by the DPW Director. All paving must be completed by November 1<sup>st</sup>, unless permission for paving after November 1<sup>st</sup> is given by the DPW Director. The determination of whether to allow paving after November 1<sup>st</sup> will be primarily dependent upon ground and weather conditions. Hydro-seeding and mulching of any exposed slopes shall be completed by October 15<sup>th</sup> of the year of excavation.
18. The proposed grading of the Subdivision shall be such that the natural drainage pattern is maintained as much as possible and conducted in accordance with the endorsed Definitive Plans. Clearing and earth moving on individual lots shall minimize disturbance of natural conditions. All exposed slopes which are not paved or otherwise treated shall be hydro-seeded and mulched within thirty (30) days of excavation.
19. Permanent land or ground cover consisting of 4" of compacted loam and seed shall be established within 4 weeks of completion of house construction, season permitting. Otherwise, jute mesh, or similar stabilization materials shall be required, in accordance with the Erosion and Sedimentation Control Plan.
20. The driveway aprons shall be graded such that the finish paving elevation at the road layout/property line shall be three (3") inches above the roadway gutter.
21. During the course of Subdivision construction, if a deviation from the Plan or these Conditions occurs, or if damage caused by a deviation from the Plan or these Conditions occurs, either as a result of work done by the Applicant, or naturally, or by means of a combination of both, the Board reserves the right to require that the Applicant do whatever is necessary to restore the subject area to its original condition or planned post-construction condition, at the cost of the Applicant.
22. Removal of more than 500 cubic yards of materials (as defined in Section 7.3 of the Protective Zoning Bylaws for the Town of Maynard) shall not be permitted without the Applicant having first obtained an Earth Removal Permit as specified in Section 7.3 of the Zoning Bylaw.
23. The Applicant shall be responsible for removal by street sweeper on a regular basis of any material deposited on public ways in Town as a result of construction operations at the subject site. Material shall be removed whenever there is an accumulation of material on Town ways, however more frequent sweepings may be required by the Planning Board or its Agent at any time during construction if deemed necessary.
24. Dust on or adjacent to the construction site or as a result of the construction at the site, shall be controlled so as to not impact neighboring land owners. Dust control shall be to the satisfaction of the Planning Board or its agent.
25. The Following conditions apply to materials stored on site:
  - a. Earthen products to be removed may be stockpiled at the site within an area designated for such stockpile outside the 100-foot buffer zone to wetlands for a maximum period of 120 days (or such lesser time as the Board deems necessary in specific cases), after

which it shall be re-deposited on the site and the stockpile area shall be returned to its original condition.

- b. Loam to remain on site may be stockpiled as required and for longer periods of time, however such stockpile shall be placed outside the 100-foot buffer zone to wetlands or other protected resource area (if any), and shall be removed prior to completion of the final grading of the site.
- c. All stockpiled material shall be adequately protected with erosion control barriers to prevent any possible erosion problem. It shall be the responsibility of the Applicant to maintain these erosion control measures.
- d. Demolition materials and other waste shall be stockpiled over 100 feet away from wetlands and removed from the site within a week, or as determined by the Conservation Commission.

26. A list of all waivers granted by the Planning Board shall be shown on the legal plans prior to the Board's endorsement of the Plans and their subsequent recording at the Registry of Deeds.

27. The Subdivision must be completed within two (2) years of the recording of the Plan, except that extensions may be granted upon application by the Applicant if the Planning Board believes that said extensions are in the public interest and consistent with the purposes and intent of the Massachusetts Subdivision Control Law (MGL Ch. 41 s. 81L, et. seq.) and the Maynard Planning Board Rules and Regulations Relating to Subdivision of Land.

28. In accordance with Section 81-BB of Chapter 41, the Subdivision Control Law, any person aggrieved by this decision of the Planning Board may appeal to the Middlesex County Superior Court or to the Land Court pursuant to the provisions of clause (k) of Section One of MGL Chapter 185, provided that such appeal is entered and received by the Town Clerk within 20 days after this decision has been recorded with the Town Clerk.

29. Any and all plans which may be approved by the Conservation Commission pursuant to an Order of Conditions and the Town's Stormwater Management Bylaw shall and hereby are made part of the Fowler Street Extension Definitive Plan. If there is any inconsistency between the submitted Definitive Subdivision Plan and the plans as may approved by the Conservation Commission, the Applicant shall submit an amended plan to the Planning Board for approval. Said amended plan shall be accompanied by a letter setting forth any and all changes from the current Subdivision Plan and shall include three (3) sets of revised drainage calculations, if applicable. If the Planning Board has already endorsed the Definitive Plans before the amended plans are revised and submitted in accordance with the Conservation Commission Order of Conditions and/or Stormwater Management Bylaw, the Definitive Plans will require Modification pursuant to M.G.L. Chapter 41, Section 81W.

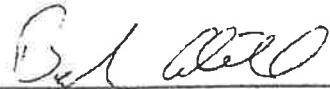
30. This Definitive Plan approval is for a roadway designed only to service the construction of 4 new single-family homes and the existing single-family home at 10 Fowler Street. Any more proposed density, if even allowed by the Town of Maynard Zoning Bylaw, shall require a modification of this Definitive Plan approval. The Board hereby reserves the right to consider additional improvements to both the existing Fowler Street and the Extension if any further residential housing units would be added to the neighborhood.

31. The Applicant shall maintain and repair the roads, drainage facilities and all utilities in a manner satisfactory to the Board during the period in which the Applicant or its assigns is the owners of the roadway or appurtenances.
32. A separate, unique and individual driveway shall be constructed for each dwelling in the Subdivision. The use of a "common driveway" for two or more dwellings shall be prohibited. Each driveway shall be constructed solely on the lot in which it serves.
33. Utilities (electricity, telephone and cable television) will begin where the existing utilities end on the existing Fowler Street, and will be installed to service the new single-family houses on Lots 1-4, in accordance with the endorsed Subdivision Plans.
34. The areas within the Fowler Street Extension Definitive Plan Subdivision, as shown on Sheet #6 of the endorsed Plans that are indicated as "snow storage", shall be clear of obstructions such that it can be effectively used as snow storage during the winter months.
35. The Applicant shall install the following new signs before the Building Permit for the first house lots of Lots 1 – 4, as indicated on Sheet 4 of the Approved Plan. Per Section V.A.8 of the Rules and Regulations, all street signs must be installed before construction of the first house begins:
  - a. A new Fowler Street street sign at the intersection of Parker Street, which shall consist of the following: "Fowler Street" parallel to Fowler and "Parker Street" parallel to Parker and on top of this sign pole. On the bottom a "No Outlet" sign shall be installed facing Parker Street.
  - b. A new "Dead-End Street" sign to be located on Fowler Street in the area of the Fowler Street Extension where it parallels the boundary of Lots 3 and 4
  - c. A total of (4) "No Parking Fire Lane" Signs at locations as indicated on Sheet 4 or as otherwise determined by the Maynard Fire Chief or DPW Director.
  - d. A New "Stop" sign at the intersection of Parker and Fowler Streets facing vehicles existing Fowler Street.
36. Placement of fire hydrants and the fire call box(es), if any, shall be in accordance with the requirements of the Maynard Fire Chief.
37. Construction and maintenance of the Subdivision's Stormwater Management System shall be consistent with the Operation and Maintenance Plan as indicated on Sheet #8 of the endorsed plans.
38. The Planning Board will require periodic site inspections of the Subdivision construction. Said inspections shall be according to the schedule of milestones in the Planning Board's Rules and Regulations and modified only by agreement of the Planning Board or its agent. It is the Applicant's responsibility to provide adequate notice to the Board's Inspecting Engineer prior to the need for each inspection. In the event work is completed and backfilled without the proper notice to allow the Planning Board's consultant to perform the required inspection, the Board reserves the right to allow its consultant to require excavation of the completed work so the required inspection can be performed to the satisfaction of the inspector.

VI. Decision for the Fowler Street Extension Definitive Subdivision Plan, Maynard, Massachusetts

By a Vote of 4 in favor to 0 opposed, the Fowler Street Extension Definitive Subdivision Plan is hereby Approved with the Findings and Conditions contained herein.

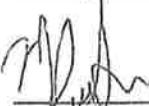
Signing for the Maynard Planning Board:



Bernard Cahill, Chairman

12/17/13

Date



Max Lamson, Vice-Chair

12/17/2013

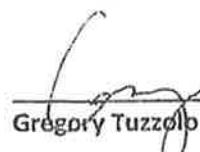
Date



Kevin Calzia

12/17/13

Date



Gregory Tuzzolo

12/17/10

Date

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