

Notice to APPLICANT/TOWN CLERK and Certification of Action of Planning Board
on Definitive Subdivision Plan entitled: Planned Residential
Development designed for Flintlock, Inc.

By: Thomas E. Neve Assoc., Inc. dated September 23, 19 94

The North Andover Planning Board has voted to APPROVE said plan, subject to the following conditions:

1. That the record owners of the subject land forthwith execute and record a "covenant running with the land", or otherwise provide security for the construction of ways and the installation of municipal services within said subdivision, all as provided by G.L. c. 41, S. 81-U.
2. That all such construction and installations shall in all respects conform to the governing rules and regulations of this Board.
3. That, as required by the North Andover Board of Health in its report to this Board, no building or other structure shall be built or placed upon Lots No. _____ as shown on said Plan without the prior consent of said Board of Health.
4. Other conditions:

See Attached

ATTEST
A True Copy
Jean A. Chandler
Town Clerk

JOYCE F. FORD, TAW
TOWN CLERK
NORTH ANDOVER
SEP 7 9 18 AM '95

In the event that no appeal shall have been taken from said approval within twenty days from this date, the North Andover Planning Board will forthwith thereafter endorse its formal approval upon said plan.

The North Andover Planning Board has DISAPPROVED said plan, for the following reasons:

Date: April 4, 1995

NORTH ANDOVER PLANNING BOARD

By: Richard A. Nardella
Richard A. Nardella, Chairman

Flintlock Inc. P.O. Box 531 N. Andover, MA. 01845

12413

Jun 16 11 24 AM '95
Essex Registry of Deeds
North District

FORM C

APPLICATION FOR APPROVAL OF DEFINITIVE PLAN

JOYCE BRANTZ LAW
TOWN CLERK
NORTH ANDOVEROCT 20 2 11 PM '94
September 23, 1994

To the Planning Board of the Town of North Andover:

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled

Planned Residential Development designed for Flintlock, Inc.

by Thomas E. Neve Associates, Inc. dated September 23, 1994

being land bounded as follows: SEE ATTACHED SHEET

hereby submits said plan as a DEFINITIVE plan in accordance with the Rules and Regulations of the North Andover Planning Board and makes application to the Board for approval of said plan.

Title Reference: North Essex Deeds, Book 2989, Page 62; or
Certificate of Title No. , Registration Book , page ; or
Other:

Said plan has() has not(X) evolved from a preliminary plan submitted to the Board of 19 and approved (with modifications) ()
disapproved () on , 19 .

The undersigned hereby applies for the approval of said DEFINITIVE plan by the Board, and in furtherance thereof hereby agrees to abide by the Board's Rules and Regulations. The undersigned hereby further covenants and agrees with the Town of North Andover, upon approval of said DEFINITIVE plan by the Board:

1. To install utilities in accordance with the rules and regulations of the Planning Board, the Public Works Department, the Highway Surveyor, the Board of Health, and all general as well as zoning by-laws of said Town, as are applicable to the installation of utilities within the limits of ways and streets;
2. To complete and construct the streets or ways and other improvements shown thereon in accordance with Sections IV and V of the Rules and Regulations of the Planning Board and the approved DEFINITIVE plan, profiles and cross sections of the same. Said plan, profiles, cross sections and construction specifications are specifically, by reference, incorporated herein and made a part of this application. This application and the covenants and agreements herein shall be binding upon all heirs, executors, administrators, successors, grantees of the whole or part of said land, and assigns of the undersigned; and
3. To complete the aforesaid installations and construction within two (2) years from the date hereof.

Received by Town Clerk:

Date: Time: Signature:

Signature of Applicant

P.O. Box 531

N. Andover, MA 01545
Address

Planned Residential Development
Designed for Flintlock, Inc.
By Thomas E. Neve Associates, Inc.

September 23, 1994

Form C

Land bounded as follows:

Northerly by land of New England Power, Marcin, Fuller, Pas, Martineau & G. Adams;

Southerly by Duncan Drive & land of Wieman;

Easterly by land of Martineau, Lynch & DeBiase, Parisi, Jodka, Wintergreen Realty Trust,
Friedman, Lodde, Casey, Barbagallo & Wintergreen Drive;

Westerly by land of R. Adams, Lubin, Vogel, Stadler, Gallagher and Gauld.

Lost Pond
Definitive Subdivision
Conditional Approval

The Planning Board herein approves the Definitive Subdivision known as Lost Pond, for 14 lots and 13 new homes requested by Flintlock Inc., P.O. Box 531, North Andover, MA 01845 on October 20, 1994. The area affected contains approximately 51 acres located off of Foster Street in a Residential - 1 (R-1) Zone. The Planning Board makes the following findings as required by the Rules and Regulations Governing the Subdivision of Land:

- A. The Definitive Plan, dated 9/23/94 and revised 2/1/95 includes all of the information indicated in Section 3 of the Rules and Regulations concerning the procedure for the submission of plans.
- B. The Definitive Plan adheres to all of the design standards as indicated in Section 7 of the Rules and Regulations.
- C. The Definitive Plan is in conformance with the purpose and intent of the Subdivision Control Law.
- D. The Definitive Plan complies with all of the review comments submitted by various town departments in order to comply with state law, town by-laws and insure the public health, safety, and welfare of the town.

Finally, the Planning Board finds that the Definitive Subdivision complies with Town Bylaw requirements so long as the following conditions are complied with:

- 1. Prior to endorsement of the plans by the Planning Board the applicant shall adhere to the following:
 - a. A no-cut line that follows the grading line behind each lot must be placed on the plans.
 - b. The headwalls at the brook crossing must be designed and stamped by a structural engineer.
 - c. Minimum 20 foot wide utility easements should be provided for the cross-country water main installation. A utility easement should also be provided across Lot 7 or 14 to the location where an existing access easement intersects with the rear property line of Stonecleave Estates. The easement is for potential future watermain interconnection to Stonecleave Road.
 - d. The plans must be revised in accordance with the comments from the Division of Public Works noted in Condition 7.
 - e. The applicant must meet with the Town Planner in order to ensure that the plans conform with the Board's decision.
 - f. A detailed construction schedule must be submitted as part of the plans.
 - g. A covenant (FORM I) securing all lots within the subdivision for the construction of ways and municipal services must be submitted to the Planning Board. Said lots may be released from the covenant upon posting of security as requested in Condition 3(g).
 - h. Executed right of way dedication easements for the proposed roadway shall be provided to the Planning Office at the applicant's expense.
 - i. The applicant must submit to the Town Planner a FORM M for all utilities and easements placed on the subdivision. The Board will sign the document and it must be recorded at the

Essex North Registry of Deeds.

- j. All drainage, water, and sewage facility designs shall be approved by the North Andover Division of Public Works. Provisions for water intrusion mitigation shall be included in the design and shown on the construction schedule required in Condition 1(f).
- k. All application fees must be paid in full and verified by the Town Planner.
- l. A detailed street tree planting list shall be prepared listing specific material to be used. This list shall indicate quantity and size of all proposed material.
- m. A full set of final plans reflecting the changes outlined above, must be submitted to the Town Planner for review and subsequently endorsed by the Planning Board, within ninety (90) days of filing the decision with the Town Clerk.
- n. The Special Permit and Subdivision Decision for this project must appear on the mylars.

All documents shall be prepared at the expense of the applicant, as required by the Planning Board Rules and Regulations Governing the Subdivision of Land.

Endorsement of the plans is proof of satisfaction of the above conditions.

2. Prior to the start of construction:

- a. The record plans must be endorsed by the Planning Board and recorded by the applicant at the Essex North Registry of Deeds.
- b. All erosion control must be in place and reviewed by the Town Planner.

3. Prior to any lots being released from the statutory covenants:

- a. A complete set of signed plans, a copy of the Planning Board decision, and a copy of the Conservation Commission Order of Condition must be on file at the Division of Public Works prior to issuance of permits for connections to utilities. The subdivision construction and installation shall in all respects conform to the rules and regulations and specifications of the Division of Public Works.
- b. All site erosion control measures required to protect off site properties from the effects of work on the lot proposed to be released must be in place. The Town Planning Staff shall determine whether the applicant has satisfied the requirements of this provision prior to each lot release and shall report to the Planning Board prior to a vote to release said lot.
- c. The applicant must submit a lot release FORM J to the Planning Board for signature.
- d. A Performance Security (Roadway Bond) in an amount to be determined by the Planning Board, upon the recommendation of the Department of Public Works, shall be posted to ensure completion of the work in accordance with the Plans approved as part of this conditional approval. Items covered by the Bond may include, but shall not be limited to:
 - i. as-built drawings
 - ii. sewers and utilities
 - iii. roadway construction and maintenance

- iv. lot and site erosion control
 - v. site screening and street trees
 - vi. drainage facilities
 - vii. site restoration
 - viii. final site cleanup
- e. All proper documents and easements required through Condition 1 shall be in place.
- f. Three (3) complete copies of plans and two (2) copies of all documents containing registry of deeds stamps must be submitted to the Town Planner as proof of filing.
4. **Prior to a FORM U verification for an individual lot, the following information is required by the Planning Department:**
- a. The applicant must submit to the Town Planner proof that the FORM M referred to in Condition 1(i) above, was filed with the Registry of Deeds office.
 - b. A plot plan for the lot in question must be submitted, which includes all of the following:
 - i. location of the structure,
 - ii. location of the driveways,
 - iii. location of the septic systems if applicable,
 - iv. location of all water and sewer lines,
 - v. location of wetlands and any site improvements required under a NACC order of condition,
 - vi. any grading called for on the lot,
 - vii. all required zoning setbacks,
 - viii. location of any drainage, utility and other easements.
 - c. All appropriate erosion control measures for the lot shall be in place. Final determination of appropriate measures shall be made by the Planning Board or Staff.
 - d. All catch basins shall be protected and maintained with hay bales to prevent siltation into the drain lines during construction.
 - e. The lot in question shall be staked in the field. The location of any major departures from the plan must be shown. The Town Planner shall verify this information.
 - f. Lot numbers, visible from the roadways must be posted on all lots.
5. **Prior to a Certificate of Occupancy being requested for an individual lot, the following shall be required:**
- a. A stop sign must be placed at the entrance of the roadway out to Foster Street.
 - b. The roadway must be constructed to at least binder coat of pavement to properly access the lot in question. Prior to construction of the binder coat, the applicant shall ensure that all required inspection and testing of water, sewer, and drainage facilities has been completed. The applicant must submit to the Town Planner an interim as-built, certified by a professional engineer, verifying that all utilities have been installed in accordance with the plans and profile sheet.
 - c. All necessary permits and approvals for the lot in question shall be obtained from the North

Andover Board of Health, and Conservation Commission.

- d. Permanent house numbers must be posted on dwellings and be visible from the road.
 - e. All slopes on the lot in question shall be stabilized, as solely determined by the Planning Department in regards to erosion, water run off, and safety.
 - f. The lot must be raked, loamed and seeded, sodded, or mulched if the weather does not permit seeding or sodding.
 - g. There shall be no driveways placed where stone bound monuments and/or catch basins are to be set. It shall be the developer's responsibility to assure the proper placement of the driveways regardless of whether individual lots are sold. The Planning Board requires any driveway to be moved at the owners expense if such driveway is at a catch basin or stone bound position.
 - h. The Planning Board reserves the right to review the site after construction is complete and require additional site screening as it deems necessary and reasonable.
6. Prior to the final release of security retained for the site by the Town, the following shall be completed by the applicant:
- a. The Planning Board will, by a majority, vote to release any security retained.
 - b. The Open Space Parcel must be transferred to the Town through the Conservation Commission.
 - c. A perpetual agricultural preservation restriction of the type described in M.G.L. Chapter 184, Section 31 running to or enforceable by the Town shall be recorded for Lot 14.
 - d. A donation equal to the fair market value of a sidewalk constructed along one side of the roadway shall be given to the Town of North Andover's Sidewalk Fund.
 - e. An as-built plan and profile of the site shall be submitted for review and approval.
 - f. The applicant shall petition Town Meeting for public acceptance of the street. Prior to submitting a warrant for such petition the applicant shall review the subdivision and all remaining work with the Town Planner and Department of Public Works. The Planning Board shall hold a portion of the subdivision bond for continued maintenance and operations until such time as Town Meeting has accepted (or rejected in favor of private ownership) the roadways. It shall be the developer's responsibility to insure that all proper easements have been recorded at the Registry of Deeds.
 - g. The Town Planner shall ensure that all Planning, Conservation Commission, Board of Health and Division of Public Works requirements are satisfied and that construction was in strict compliance with all approved plans and conditions.
 - h. Two to two and one half inch caliper (2-2.5") street trees are to be placed every fifty (50') feet along both sides of all new roadways as determined necessary by the Division of Public Works and the Planning Department.
7. The following requirements of the Division of Public Works must be adhered to:

- a. The proposed water main across Lot 6 should be installed along the sideline and rear property line of the Lot rather than diagonally across the south west corner.
 - b. An in-line gate valve should be installed on the proposed water main on the Duncan Drive side of the water service taps to Lots 5 and 6.
 - c. Sloped granite curbing should be installed from Station 11+0 to and around the proposed cul-de-sac.
 - d. The installation of a retaining wall up to Elevation 124 at the brook crossing which is proposed on revised plans is an acceptable solution to detaining the FEMA 100 year flood, and eliminating the post development increases in the rate of runoff above Elevation 122.5 which exist in the 2/1/95 design. The drainage calculations should be revised to reflect the changes resulting from the raised headwall.
 - e. Permits for utility and roadway extensions will not be granted until a set of approved plans, and copies of the decisions of both the Planning Board and Conservation Commission are on file at the Division of Public Works.
- 8. The sewer extension for the subdivision will be subject to the policies of the Division of Public Works regarding the mitigation of groundwater infiltration into the existing sewers.
 - 9. The Town Planner will review any signs utilized for this project. The applicant must obtain a sign permit as required by Section 6 of the Bylaw. The Planning Board shall approve any entrance structures. Any lighting used for the entrance signs must be removed prior to acceptance of the subdivision by the Town.
 - 10. The applicant shall adhere to the following requirements of the Fire Department:
 - a. Open burning is allowed by permit only after consultation with the Fire Department.
 - b. Underground fuel storage will be allowed in conformance with the Town Bylaws and State Statute and only with the review and approval of the Fire Department and Conservation Commission.
 - 11. There shall be no burying or dumping of construction material on site.
 - 12. The location of any stump dumps on site must be pre-approved by the Planning Board.
 - 13. The contractor shall contact Dig Safe at least 72 hours prior to commencing any excavation.
 - 14. Gas, Telephone, Cable, and Electric utilities shall be installed as specified by the respective utility companies.
 - 15. Any action by a Town Board, Commission, or Department which requires changes in the roadway alignment, placement of any easements or utilities, drainage facilities, grading or no cut lines, may be subject to modification by the Planning Board.
 - 16. The following waivers have been granted by the Planning Board:
 - a. Section 7(A)(4)(a) Dead end streets: The length of a dead end street should not be longer than 800 feet in an R-1 District. The proposed roadway is 1,275.53 feet in length. This waiver

is granted because a through street is not feasible due to the presence of wetlands on site and the desire of the Planning Board to protect the existing horse farm.

- b. Section 7(C)(1) Shoulders: 8 foot shoulders are required however from Station 1+25 to 5+76 the shoulder width is waived to 5 feet. This waiver is granted due to the presence of wetlands at the entrance to the site. The waiver will pull the area of work away from the wetland resource area.
- c. Section 7(C)(4) Side Slopes: A minimum of 2:1 side slopes are required however from Station 1+50 to 3+75 the side slopes will be 1:1. This waiver is granted due to the presence of wetlands on the site at the entrance. The waiver will pull the area of work away from the wetland resource area.
- d. Section 7(D) Sidewalks: This waiver is granted because this street will never become a through street and Foster street, the adjacent street, does not and is not likely to have sidewalks. In lieu of constructing the sidewalks, a donation equal to the fair market value of a sidewalk constructed along one side of the roadway shall be given to the Town of North Andover's Sidewalk Fund.

These waivers have been granted in an effort to minimize the amount of cutting and filling required on site thereby decreasing the amount of erosion and siltation on site.

17. This Definitive Subdivision approval is based upon a Special Permit granted in accordance with Section 4.125, 10.3 and 10.31 of the North Andover Zoning Bylaw. The Special Permit and Definitive Subdivision approvals are both based upon the following information:

- a. Plan titled: Planned Residential Development
Prepared for: Flintlock, Incorporated
P.O. Box 531
North Andover, Mass 01845
Scale: 1" = 40'
Date: 9/23/94; rev. 2/1/95
Prepared by: Thomas E. Neve Associates
447 Old Boston Road
US Route 1
Topsfield, MA 01983
- b. Hydraulic Analysis of Hidden Pond
(A Planned Residential Development)
September 1994
Flintlock Inc.
P.O. Box 531
North Andover, MA 01845
- c. Engineering review comments by Coler and Colantonio Inc., dated 1/12/95/ 1/31/95 and 2/14/95.

cc. Conservation Administrator
Director of Public Works
Health Administrator

Building Inspector
Police Chief
Fire Chief
Assessor
Applicant
Engineer
File

LPONDSub