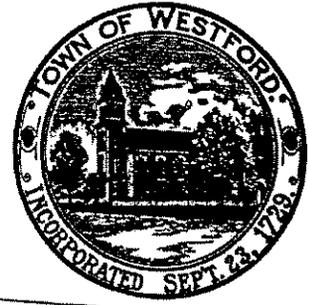




Town of Westford

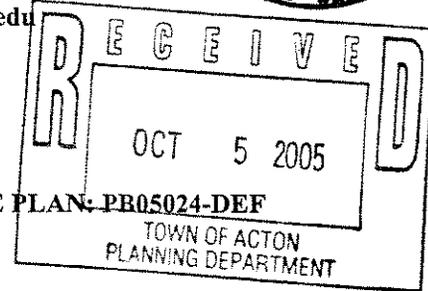
55 Main Street
Westford, MA 01886
Tel: 978 692 5524
Fax: 978 399 2558

Email: nkhumalo@westford.mec.edu



Office of the Planning Board

CERTIFICATE OF APPROVAL OF A DEFINITIVE PLAN: PB05024-DEF "STONY BROOK ROAD" TOWN OF WESTFORD



Applicant: Nagog Real Estate Consulting Corporation
530 Groton Road,
Acton, MA 01720

Landowner: CAL Realty Trust
165 Princeton Boulevard
Chelmsford, MA 01863

Property Location: West of Stony Brook Road, South of the Stony Brook
Westford MA 01886

Assessor's Map and Parcel: Map 32, Parcel 27

Application Submitted: July 7, 2005

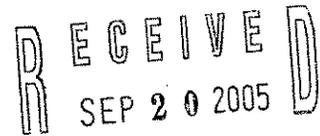
Public Hearing: August 1, 2005
September 6, 2005

Planning Board Vote: 5-0-0 to APPROVE

Filed with Town Clerk: September 20, 2005

Decision Effective: October 10, 2005 (unless appealed)

Reference Plans:
C1.1 – Title Sheet Plan
C2.1 – Existing Conditions Plan
C3.1 – Plan of Lots
C4.1 – Conventional layout
C5.1 – Grading, Drainage and Paving Plan
C6.1 – Plan and Profile
C7.1 – Sight Distance Analysis Plan
C8.1 - Erosion and Sediment Control Plan
C9.1 – Construction Details
C9.2 – Construction Details
C9.3 – Erosion and Sediment Control Plan
C9.4 – Construction Details



TOWN CLERK
WESTFORD

PUBLIC HEARING:

August 1, 2005 & September 6, 2005

DECISION

It is hereby certified by the Planning Board of the Town of Westford, Massachusetts (hereinafter together with any entity succeeding the powers of said Planning Board, referred to as the Board) that at a duly called and properly posted meeting of said Board held on September 6, 2005 it was voted 5-0 to **APPROVE** the Definitive Subdivision Application of Nagog Real Estate Consulting Corporation. The Approved plans are entitled "Definitive Plan, Open Space Residential Development Stony Brook Road, Westford MA" prepared by Goldsmith Prest and Ringwall, Inc dated June 2005 revised through August 25, 2005, consisting of 12 sheets, showing a 6-lot subdivision.

This decision is in response to an application for approval (to be referred to hereinafter as the Application) of a Definitive Subdivision Plan submitted to the Board on July 7, 2005.

Said Approval is granted in accordance with M.G.L. Ch. 41, Section 81K-81GG and the Town of Westford Planning Board Rules and Regulations Governing the Subdivision of Land and the Issuance of Certain Special Permits (hereinafter referred to as the "Subdivision Rules and Regulations") and is subject to the following conditions and waivers:

Growth Management

Six of the newly created lots will be subject to the Growth Management Bylaw. The Applicant shall cause an application to be made in accordance with Section 6.3-Growth Management of the Town of Westford Zoning Bylaw prior to the issuance of any building permits for this site.

Waivers:

The Planning Board voted 5-0-0 to **APPROVE** the following waiver request as requested under the Subdivision Rules and Regulations of the Town of Westford, Massachusetts:

- 218-11.B - To submit plans within the plan set at a scale of 1=60.
- 218-11.B(18) - To not provide a separate Landscaping Plan
- 218-12.D(2) - To not construct sidewalks
- 218-13B(3) - To install catch basins further apart than 400' (catch basin 3 & 4)
- 218-13.D(3) - To not connect to the existing public water supply
- 218-17E - To not provide a minimum of 4' of cover over storm drains (Waiver is for catch basins 1,2,3 & 4 which connect to drain manhole 1 which connects to the outlet)

General Conditions:

- 1) The Applicant shall record with the North Middlesex Registry of Deeds and in the case of registered land with the Recorder of the Land Court, this decision, Definitive Plan and any Covenants, and shall submit evidence of such recording to the Planning Board as required in Section 218-11 (K) of the Subdivision Rules and Regulations
- 2) Within 30 days after the endorsement of the Definitive Plan, the Applicant shall obtain and deliver to the Board or its Clerk, four prints of said Plan as so completed for the Board's files and for subsequent distribution to appropriate

town agencies and one copy on Mylar of the layout plans and profiles of the proposed street for the files of the Engineering Department. The Applicant shall thereafter provide Planning Board with the recording information of said plans.

- 3) The Applicant shall submit all drawings (subdivision plans and As Built Plans) in the appropriate Auto CAD format to the Town Engineer and Planning Department.
- 4) The street name signs shall be posted prior to lot release on this subdivision at a location(s) specified by the Town Engineer.
- 5) Any revisions to the design of any detention/retention basins shall henceforth be subject to the approval of the Town Engineer and the Planning Board. In accordance with Section 218-11 F of the Subdivision Rules and Regulations, the construction of detention/retention basins shall be subject to the incorporation into any cost estimates for the construction of ways and installation of municipal services upon which a performance guarantee will be based for the entire subdivision.
- 6) All catch basins shall remain functional at all times. Rims shall be set at binder elevation and shall be adjusted to finish course elevation prior to placement of the top course of pavement.
- 7) After the binder course of pavement is exposed to one winter season, it shall be repaired as directed by the Town Engineer. If the roadway work is not completed prior to the third winter, road reconstruction may be required by the Town Engineer. No openings in the pavement shall be made between November 15 and April 15 unless otherwise approved by the Town Engineer and/or the Planning Board as appropriate.
- 8) All areas where utilities are proposed shall be compacted to standards established in the Subdivision Rules and Regulations. This shall include compaction tests every 100 feet.
- 9) The subdivision construction shall comply with the current Federal and State laws regarding handicap accessibility. The Applicant or the executors, administrators, heirs, successors and assigns shall be responsible for obtaining written certification from a registered professional engineer as to such compliance, which shall be shown on the As Built plans. It will be the Applicant's responsibility to have an on site clerk of the works/qualified person to ensure compliance during construction.
- 10) In the absence of any details or waivers set forth herein, the current Subdivision Rules and Regulations of the Planning Board shall govern and become an integral part of this decision. All construction details not specifically shown on the approved plan shall conform to the specifications and requirements of the subdivision rules and regulations in effect at the time.
- 11) In general, the cutting of trees, removal of vegetation shall be kept to a minimum in the construction and development of the Subdivision. All large trees 6" or greater in caliper bordering the proposed roadway and on the site shall be retained and not disturbed or destroyed during construction of the

subdivision except for those trees which must be removed for the construction of the proposed way, driveways and used accessory thereto.

- 12) Roads, fire cistern, curbs, drainage system, storm drains, catch basins, detention basin, pedestrian ways, easements, open spaces and other improvements and installations, shall be constructed as shown on the Plan, including the construction of all off site improvements and drainage systems.
- 13) The Applicant acknowledges that this approval is subject to completion of all necessary filings and any order of conditions issued for this project by the Town of Westford Conservation Commission. In addition, if any of the approved site features are amended by the Conservation Commission in a way that would require an amendment, then the Applicant shall submit these changes to the Planning Board for their review and approval.
- 14) The Applicant acknowledges that this approval is subject to completion and approval of all necessary filings with the Town of Westford Board of Health. In addition, if any of the approved site features are amended by the Board of Health in a way that would require an amendment, then the Applicant shall submit these changes to the Planning Board for their review and approval.
- 15) Recorded copies of all required legal documents (e.g. covenants, easements, etc.) shall be submitted to the Town Planner, for review and approval, prior to the release of any lots within the subdivision.
- 16) The Applicant shall provide the Planning Department with a full size, reduced, and DWG digital copy of the final set of approved recorded plans prior to the issuance of a building permit.
- 17) All setback areas shall remain clear and open.
- 18) All lighting on site shall provide security for the residences however it must not create any glare or project any light onto adjacent properties.
- 19) All work is to be done in accordance with the endorsed plans.
- 20) All construction shall comply with State regulations.
- 21) The provision of this approval shall apply to and be binding upon the Applicant, its employees and all successors and assigns in interest or control.
- 22) This approval shall lapse within two years from Plan endorsement unless substantial use or construction of the site has commenced. Substantial use or construction on the site will be determined by a majority of the Planning Board. If substantial use or construction has not commenced within two years, the Applicant shall petition the Planning Board for an extension of time.
- 23) Prior to the commencement of any construction activities the Applicant shall hold a pre-construction meeting with the Planning Department and other relevant Town departments. All contractors and subcontractors involved with site preparation/site construction activities shall attend this meeting. This approval with conditions shall be reviewed by all parties involved;

- 24) The following information shall be deemed part of the decision
- a) Plan: Titled: Definitive Plan, Open Space Residential Development Stony Brook Road, Westford MA
Prepared by: Goldsmith Prest and Ringwall, Inc
Dated: June 2005 revised through August 25, 2005, Consisting of 12 sheets.
 - b) Open Space Residential Development Special Permit decision dated September 6, 2005.

Approval:

- 25) Interim as-built plans shall be submitted upon the request of the Engineering Department;

Endorsement

- 26) Endorsement of approval of the Approved Plan shall be sought by the Applicant within one (1) year of the latter of (a) the expiration of the twenty-day appeal period following the filing of this Certificate of Approval with the Westford Town Clerk, or (b) the entry of a final decree by a court of competent jurisdiction sustaining the approval of the Approved Plan if an appeal is taken pursuant to G.L.C. 41, §81BB. If endorsement is not sought within said one (1) year prior; this approval shall be automatically rescinded by virtue of this condition. Further, the Applicant or his authorized representative shall submit the Plan to the Board fourteen (14) days in advance of its presentation to the Board for endorsement, in order to allow for adequate time to review the revised Plan for compliance with the Conditions of this Decision.

The Applicant shall have two years from the date of the endorsement of the Plan to complete the installation and construction of the way and the services provided therein, in accordance with the applicable Subdivision Regulations and Rules of the Planning Board. Prior to the expiration period, the Applicant may petition the Planning Board to extend the completion date for good cause. No bond reductions will be granted after the expiration of the original two-year construction period.

Modifications:

- 27) Any changes, revisions or modifications to the plans as approved herein shall require approval by the Planning Board.

Performance Guaranty

- 28) Prior to endorsement the Applicant shall execute and file with the Town a performance bond or covenant in accordance with Section 218-11 of the Town of Westford Subdivision Rules and Regulations.
- 29) In addition to the performance bond or covenant outlined above, prior to any work commencing on the subdivision, including clearing of land, the Applicant shall execute and file with the Town a performance bond sufficient to cover the cost of the detention basins and all drainage infrastructure (on-site and

off-site). This bond or covenant shall be released in part or in whole upon approval of the Board that the roadway has been completed to the specified standards.

- 30) The Applicant shall notify all subsequent developers or builders of the above-mentioned roadway and drainage bond or covenant.
- 31) The Applicant shall provide to the Town Engineer copies of all recorded lot deeds or, for lots that have not yet been sold, proposed forms of lot deeds, prior to application for any building permit so that the Town Engineer may determine whether said deeds properly reference the easements shown on the Definitive Plan and the covenants and restrictions as required by this Decision. All reservations of easements by the Applicant shall recite that the Applicant may assign such easements to the Town of Westford.
- 32) The Applicant shall be responsible for operation and maintenance of the detention/retention basins until such time as the road is accepted by the Town of Westford.
- 33) The construction of the proposed way shall be subject to a Performance Guarantee, Inspections, and Release of Performance Guarantee as outlined in Section 218-11 items F through H of the Subdivision Rules and Regulations. In addition, the Applicant shall adhere to the following guidelines and procedures when submitting an application to the Planning Board requesting release of the performance guarantee for this Application (although no more than fifteen (15) percent of the original net cost shall be held after the Board determines that construction has been completed satisfactorily).
- 34) Release of performance guarantee shall be made in accordance with Section 218-11 of the Subdivision Rules and Regulations and shall be contingent upon the approval of the Planning Board and review of the Town Engineer.
- 35) The restrictions, obligations and conditions hereunder shall be binding upon the Applicant and the Applicant's heirs, administrators, executors, successors and assigns. The Applicant shall recite in every lot deed that the premises are granted subject to this Decision.

The foregoing has been stated for the purpose of emphasizing their importance and is not intended to be all inclusive or to negate any provision of the Town of Westford, Subdivision Rules and Regulations.

Under the provisions for the Town of Westford, Subdivision Rules and Regulations and Massachusetts General Laws Chapter 41, Section 81-K through 81-G-G, inclusive, the Board shall have the power to modify or amend the terms and conditions of this approval on the application of the owner, lessee or mortgage of the premises or upon its own motion. All the provisions of the Subdivision Control Law applicable to approval shall, where appropriate, be applicable to such modification or amendment. Such power is hereby reserved.

The provisions of this Approval and Conditions shall be binding upon every owner or owners of each of the lots, as shown on the Plan, and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with said land in full force and effect for the benefit of and enforceable by the town of Westford. Reference to this approval shall be entered

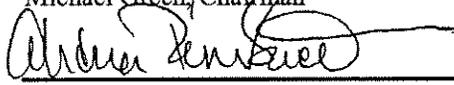
upon the Plan and this Approval shall be recorded in the North Middlesex Registry of Deeds with the Plan.

Any person aggrieved by this decision may appeal within twenty (20) days of the filing of this decision with the Town Clerk under the Provision of M.G.L. Chapter 40A Section 17.

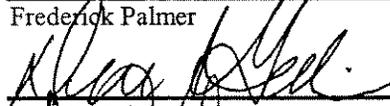
Members present and voting in the affirmative

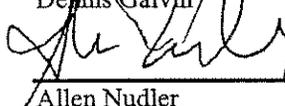
Stony Brook Road Definitive Subdivision - PB05024-DEF
Nagog Real Estate Consulting Corporation
Stony Brook Road



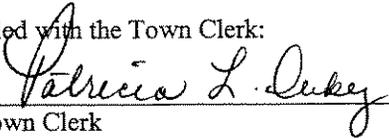
Michael Green, Chairman


Andrea Peraner Sweet

Frederick Palmer


Dennis Galvin


Allen Nudler

Filed with the Town Clerk:


Town Clerk

September 20, 2005
Date

Decision effective _____ unless appealed.

The undersigned, being the Town Clerk of the Town of Westford, Massachusetts do hereby certify that twenty days have elapsed since the above referenced decision of the Planning Board was filed in the office of the Town Clerk and no appeal has been filed with the Town Clerk.

Town Clerk

Date

cc; Hall Finnegan Ahern and Deschenes, Douglas Deschenes; Goldsmith, Prest and Ringwall Inc, Bruce Ringwall; Board of Selectmen; Board of Appeals; Board of Assessors; Board of Health; Building Inspector; Conservation Commission; Engineering Department; Police Chief; Fire Chief; Highway Superintendent; Tax Collector; Water Department; Abutters within 300 feet.