



**Town of Scituate
Planning Board**

Special Permit – Flexible Open Space Development – The Glen

Decision: **APPROVED with Conditions**
Date: December 16, 2008
Location: Between #61 and #71 Summer St. and at #89 Summer St.
Assessor's Map # 17-2-5A; 17-2-10
Plan: "The Glen", A Definitive Subdivision Plan and Flexible Open Space Development Special Permit, Permit Plan Set by Beals & Thomas Inc., dated August 4, 2008, with revisions through December 8, 2008.
Owner/Applicant: The Hennessey 1998 Nominee Trust, Christopher Hennessey, Trustee

Planning Board members hearing Special Permit: Donna Chisholm, Vice-Chairman; William Limbacher, Mary Patricia Brennan Finnie, and Robert Vogel.

Background:

The property contains 38.6 acres. It has frontage on Summer St., a public way, in two locations. It is located in the Residential A-1 Zoning District and the Water Resource Protection District. It consists of woods and open land, and contains several vernal pools and wetland areas.

The applicant is The Hennessey 1998 Nominee Trust. Trustee Christopher Hennessey was present at the Public Hearings. A Flexible Open Space Development Special Permit was requested under Section 550 of the Scituate Zoning Bylaw. The property was proposed to be divided into five building lots, which will each contain one duplex, for a total of ten new dwelling units. Lot A, noted on the plan as a Sewage Disposal Lot, will contain the septic system. There will be two Open Space lots, Lot B and Lot C.

Flexible Open Space Development is an alternative to conventional development described in Scituate Zoning Bylaw Section 550. Its intent is preservation and permanent protection of open space. New lots can be created which do not have the normally required minimum area, frontage and lot width. The number of homes is established by approval of a Conventional Density Sketch Plan showing the amount of development the property can support under typical zoning and Subdivision Rules and Regulations.

Procedural Summary:

An application for a Flexible Open Space Development Special Permit was filed with the Town Clerk on August 15, 2008. A Public Hearing on the Flexible Open Space Development Special Permit was duly advertised and notices sent to all abutters in accordance with MGL Chapter 40A. The Public Hearing on the Flexible Open Space Development was opened on September 11, 2008, and continued to October 9, 2008, October 23, 2008, November 13, 2008 and December 11, 2008, when the hearing was closed and the Special Permit was approved with conditions.

Hearing Summary:

David Johnson of Beals & Thomas, Inc., represented the applicant before the Planning Board at all of the Public Hearings. At the Public Hearing on September 11, 2008, Wayne Chouinard, a Registered Professional Engineer from Beals & Thomas, described the plans for drainage and told the Board how the stormwater management system would work. The development was proposed to use Low Impact Development infiltration techniques, distributing stormwater so it could be absorbed over a large area. David Nyman P.E., the Town of Scituate's consulting engineer, was present at this meeting. He said that overall, this development was a good example of a low impact development approach to stormwater management.

At the same Public Hearing, the Board requested input from the Conservation Commission regarding approval of a conventional subdivision with two wetland crossings. The Conservation Commission responded that they did not want to address a hypothetical situation. This issue was addressed through review of the applicant's letter regarding the wetlands crossings by the Planning Board's consulting engineer David Nyman, P.E. of CEI prior to the November 13, 2008 Public Hearing (see below.)

At the October 9, 2008 Public Hearing, the applicant and the Planning Board agreed it would be an improvement if a Common Driveway could be used to access Lots 4 and 5. The Planning Board agreed to ask Town Counsel if this could be done. Town Counsel responded that the Zoning Bylaw did not allow a Common Driveway to be constructed off a cul-de-sac.

The Planning Board asked the applicant to address the issue of the radius of the Kevin's Way right-of-way at the intersection with Summer St. in the Conventional Density Sketch Plan. The applicant provided a letter from Mrs. Jane Snowdale, the abutter to the immediate north, stating that she would be willing to provide an easement for the right of way over her property to allow the correct radius to be used.

Prior to the November 13, 2008 Public Hearing, the Planning Board received a letter from the applicant describing why they believed two wetlands crossings should be allowed in the Conventional Density Sketch Plan. The Board asked their consulting engineer to review the letter. He agreed with the applicant's approach. A Memo was also received from the Conservation Commission on November 13 regarding the plan. At the request of the Planning Board, the applicant's representative explained the term "Limited Project" under the Wetlands Protection Act and its application to this project.

Comments were received from the town's consulting engineer, Mr. David Nyman, P.E. of CEI, the DPW, Building Commissioner, Board of Health, Fire Department, and Conservation Commission.

Public Input:

Neighbors and abutters to the property commented on the plan during the September 11, 2008 Public Hearing as follows:

Tim Brooks, 59 Summer Street was concerned about the impact on wildlife particularly the coyotes.

Kathy Donohue, 4 Cushing Landing stated she is involved in the North and South River Watershed. They have been promoting Greenscape for quite a while on the South Shore so it is great to see a project like this that actually is doing it.

Cynde Robbins, 292 Clapp Road stated she wanted to clear up the Maxwell Conservation Trust position on this development. They are very happy with the progression of this development. Their position is that they will take what property is left as open space to CPC for funding. CPC

is already aware of it and a proposal has been given to them. They have also talked to the Hennessey's about Maxwell possibly holding conservation restrictions on the other property.

Mrs. Robbins added later on that she had been at the Water Resource Committee meeting earlier in the evening and also attended the meeting a month ago to get their support. She said they wouldn't give their support unless it's part of the Water Resource Protection District and they showed her on a map this property is part of this area and they would like to protect it. They voted tonight to completely support the purchase of this open space. Also, some of this property may be involved with Cohasset Watershed and the CPC is going to address that.

Shan Morrissey, 238 Clapp Road wanted to clarify that all property purchased with CPC funds does have to be appraised. The CPC cannot spend more than fair market value but they don't have to spend fair market value. Cynde Robbins added that CPC traditionally pays \$12-15,000 dollars per acre. This is mostly upland that we would be acquiring and considering the price of a building lot in town is \$200-300,000 dollars she thinks this is a bargain. Also, given the perspective that this could have been a 40B she feels the Hennessey's have made quite a concession to allow part of it to be preserved.

An additional comment was received at the November 13, 2008 Public Hearing, as follows:

Shelly Allison, 60 Indian Wind Drive, stated that she abuts the property and likes the plan. She would like to see the extra parcel as conservation land.

Findings of Fact:

Based on the testimony given during the Public Hearing on this Special Permit, the Planning Board made the following Findings of Fact:

1. The applicant submitted an application for a Special Permit and Definitive Plan for a Flexible Open Space Development on August 15, 2008 showing 10 dwelling units on 17 acres. This includes 11.65 acres of open space surrounding existing wetlands which will be permanently preserved. The development will occupy approximately 5.35 acres within the site. There is additional land totaling 21.6 acres in the applicant's parcel which is not included in the development, and is proposed to be donated or sold to be permanently preserved as public open space.
2. The 21.6 acre land area intended to be permanently preserved is adjacent to Bates Lane and other protected properties of substantial acreage, owned by the Maxwell Conservation Trust and the Town of Scituate. In this location, it is very valuable for wildlife habitat, protection of a large tract of unspoiled natural land and passive recreation.
3. The property lies within the Water Resources Protection Zoning District. The proposed treatment of stormwater is by Low Impact Development techniques, which will insure maximum infiltration and minimizing contamination of groundwater by dispersing infiltration over a large area and using natural stormwater treatment.
4. The purpose of the Flexible Open Space Development bylaw is to preserve natural and cultural resources which contribute to the town's history and character, to discourage sprawl which may result from conventional zoning, and to encourage creative development through design which minimizes developed areas. The Flexible Open Space Development bylaw allows alteration of lot size, road frontage and other dimensional requirements when to do so would be in the public interest.
5. The applicant submitted a Conventional Density Sketch Plan showing that a total of 10 units could be constructed on this property using a conventional subdivision. The Planning Board approved the Conventional Density Sketch Plan on November 13, 2008.

6. The applicant agreed to provision of one acre of land for construction of a standpipe in a location desired by the DPW, if a mutually suitable agreement on other conditions can be reached with the Town. While this agreement must be approved by the Board of Selectmen, if implemented, it will help the Town provide better water pressure in this part of the West End of Scituate.
7. Drainage has been reviewed by CEI, the town's consulting engineer, and adjustments to the plan have been made to comply with their recommendations for the drainage system. The drainage system incorporates long shallow vegetated swales with provision for infiltration and other Best Management Practices. The town's consulting engineer determined that the stormwater system, as adjusted, will meet the town's stormwater standards.
8. This development meets the requirements for a Flexible Open Space Development, Section 550 of the Zoning Bylaw.

Decision: The Planning Board approved the Special Permit with the following conditions:

Requirements Prior to Recording of the Special Permit:

1. The following notes shall be added to the Special Permit Plan prior to recording:
 - All development shall conform to this Special Permit. Any subsequent development proposal must first obtain Planning Board approval. No land clearing or disturbance, or other construction activities, in connection with any other development proposal shall be permitted without prior approval of the Planning Board.
 - This Special Permit shall be subject to the approval of a definitive plan to subdivide the parcel into the lots shown on the flexible open space plan. There will be no further subdivision to create additional building lots.
 - All development shall comply with the requirements of the Water Resource Protection Zoning District.
 - This Special Permit will lapse in three years unless substantial construction has begun.

Requirements Prior to the Pre-Construction Conference:

2. **Final Landscape Plan.** Prior to the pre-construction conference, a final Landscape Plan prepared by a Registered Landscape Architect shall be provided to the Planning Board for approval.
 - The Landscape Plan shall provide all details on plants to be used in rain gardens and similar vegetated areas designed to absorb runoff, including the number, size and species of plants to be used, and proposed maintenance. The Landscape Plan must be approved by the Planning Board. The Planning Board may elect to have their consulting engineer review this plan for effective stormwater treatment at the applicant's expense.
 - All retaining walls or similar concrete structures shall be faced with stone veneer to give an appearance compatible with New England stone walls. This detail shall be shown on the Landscaping Plans and included with the specifications for installation of the retaining wall.

- The Landscape Plan shall provide for landscaping to separate and define the entrances to the driveways for lots 4 and 5.
 - The Landscape Plan shall identify the area as a no salt zone and specify the appropriate roadway signage to be erected.
3. **Contractor's Specs.** Prior to the pre-construction conference, the applicant shall provide the Planning Board with a copy of any specifications for contractors who will be performing site work. If the proposed site work does not conform to the approved plan, the Planning Board reserves the right to stop work until conforming specifications have been provided.
 4. **Land for standpipe.** With the approval of the Board of Selectmen, and their written agreement to accept a permanent and irrevocable reduction in water connection fees from \$6500 to \$500 per dwelling; the elimination of any fees and all other charges of any type for the permanent connection to the Town of Scituate water main in Summer St. and the elimination of any requirement for construction of a loop, or any other mutually agreed upon arrangement, the applicant agrees subject to the following requirements to deed one acre of land to the Town of Scituate to construct a standpipe or water tank in a location above 150' topographic elevation, near Bates Lane, as desired by the Department of Public Works, and to provide an easement to the Town of Scituate to allow connection of water service from the development to the water tank.

This Agreement is subject to and contingent upon the entire subdivision receiving final approval not subject to further appeal including, but not limited to, all required regulatory agencies such as the Building Commissioner and the Conservation Commission.

This Agreement is also subject to mutual agreement by and between the Town of Scituate and the Applicant as to:

- The exact location of the acre of land to be conveyed.
 - The Town will be responsible for all costs to construct water tower or standpipe.
 - The specifics of the easement being defined including ,but not limited to, location and size.
 - Indemnification to Applicant for any damages caused to the subdivision due to the construction of the tower or standpipe.
 - Approval of final agreement language by both counsel for the Town of Scituate and Applicant.
5. **Approval of drainage in Summer St.** Prior to recording of the Special Permit, the applicant shall obtain approval of the Board of Selectmen for installation of drainage pipes in Summer St., and agreement on how these will be maintained. Any additional easements or permissions for drainage, road construction or other purpose shall be identified and provided or obtained prior to issuance of the first building permit.
 6. **Pre-construction conference.** Prior to the start of construction, the developer shall request a pre-construction conference. This shall be scheduled with the DPW and shall include a representative of the DPW, the Conservation Agent, the town's inspecting engineer, the owner's engineer, the site contractor and the Town Planner. The Applicant shall submit a construction sequencing schedule relating to construction of drainage facilities, roadways and building units to the Planning Board prior to the pre-construction conference.

Construction phasing and schedules shall be reviewed at the pre-construction conference. These shall specify the timing of the wetlands work, specifically replication and crossing as it related to the overall schedule.

7. **Hours of operation.** The hours of operation, including all time that trucks are idling, shall be limited to 7 AM to 7 PM weekdays and 8AM to 4 PM Saturdays, with no work to occur on Sundays or holidays, except in the case of emergencies. The name and phone number of a responsible contact person who is available at all times, in case of emergency, shall be provided.

Requirements Prior to the Start of Construction:

8. **All construction according to plan.** All construction shall be completed according to plans by Beals & Thomas, Inc., dated August 4, 2008, with revisions through December 8, 2008 except as the plans are modified to conform to these conditions or those of the Definitive Plan.
9. Approval of the Conservation Commission and the Board of Health must be obtained prior to the start of construction. If the plans are modified as a result of the review by another Town Board or State Agency, the applicant must come back to the Planning Board for Modification of this Special Permit.
10. All initial and subsequent deeds for individual house lots shall reference this decision and its conditions, and shall state that the lot is subject to a Homeowner's Association Agreement.
11. Prior to the start of construction, the limits of work including sidelines of roads, easements for underground utilities, the boundary of grading to the rear of the septic system and the boundaries of any open space proposed to be permanently protected, shall be staked. The staked area shall include a buffer around any mature trees that are intended to be saved, to prevent damage from storing equipment or stockpiling loam. The location of the stakes shall be reviewed by either the town's inspecting engineer or the Department of Public Works prior to the start of construction. The Planning Board reserves the right to stop work if stakes are not in place prior to clearing. All stakes shall remain in place until As-Built plans for the development are approved.
12. Noise mitigation and proper dust controls shall be used, with clean-up of all areas of the site as needed, and truck idling on the site or adjacent streets shall be kept to a minimum. There shall be no off-site parking or standing of construction vehicles.
13. The applicant shall adhere to Section 9.0 of the Scituate Subdivision Rules and Regulations. They shall also assume any costs of the Planning Board to monitor adherence to this Special Permit.

Requirements Prior to Issuance of the First Building or Occupancy Permit:

14. There shall be no construction on any lot shown on the plan as an Open Space Lot. These lots shall remain in their natural state except for limited maintenance such as pruning and clearing of dead or fallen trees or the construction of the walkways required below. This condition shall be recorded as a deed restriction, to run with the land in perpetuity. This deed restriction shall be recorded, and evidence of recording provided to the Planning Board, prior to issuance of the first building permit.
15. The applicant will propose a system for clearly delineating the Open Space and shall obtain approval of the Planning Board for this system prior to the pre-construction conference.
16. Walkways shall be created through open space, using existing horse trails and paths, and linking open space parcels with adjacent Conservation Land, wherever possible.

TOWN OF SCITUATE
Planning Board



600 Chief Justice Cushing Hwy.
Scituate, Massachusetts 02066
Telephone: (781) 545-8730
Fax: (781) 545-8704

December 15, 2008

Mrs. Bernice Brown
Town Clerk
Town of Scituate

CERTIFICATE OF ACTION

Re: Scenic Road Hearing - The Glen Between #61 and #71 Summer St.
*For approvals to create five duplex lots Assessor's Map 17-2-5A, 17-2-10
on a 30 +/- acre parcel*
**Applicant/Owner: Hennessey 1998 Nominee Trust, Joseph J. and Caroline P.
Hennessey, Trustees**

Dear Mrs. Brown,

Please be advised that at the December 11, 2008 Planning Board meeting, 4 of the members present, Mr. Walter and Mr. Fenton absent, the following Motions were voted favorably with a unanimous vote. Mrs. Chisholm, Mr. Vogel, Mr. Limbacher and Mrs. Brennan Finnie voted in favor of the Motions.

MOTION: Move to Close the Scenic Road Act Public Hearing for The Glen, between #61 and #71 Summer St. The vote was a unanimous vote in favor of the Motion by the members present.

MOTION: Move to approve under the provisions of the Scenic Road Act, the applicant's request to construct an entrance to proposed Kevin's Way off Summer Street as well as a pipe connection on Summer Street into a constructed wetland. Also, to remove 14' of stonewall to construct the basin, which will be relocated to the sides of the entrance into Kevin's Way. The vote was a unanimous vote in favor of the Motion by the members present.

Very truly yours,

Donna L. Chisholm, Vice Chairman

DLC:mg

Cc: DPW
Building Commissioner
Hennessey 1998 Nominee Trust
David Johnson, Beals and Thomas

TOWN OF SCITUATE



600 Chief Justice Cushing Hwy
Scituate, Massachusetts 02066
Phone: 781-545-8730
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Planning Board

December 18, 2008

Mrs. Bernice Brown, Town Clerk
Town Hall
600 Chief Justice Cushing Highway
Scituate, MA 02066

Certificate of Action

RE: "The Glen" A Definitive Subdivision Plan in Scituate, Massachusetts

Dear Mrs. Brown,

At their regularly scheduled meeting of December 11, 2008, the Planning Board voted to approve the Definitive Plan titled "The Glen" A Definitive Subdivision Plan in Scituate, Massachusetts dated August 4, 2008, revised October 2, 2008, further revised December 8, 2008, by Neals & Thomas, Inc., subject to the following conditions:

Requirements Prior to Endorsement or Recording of Plans

1. The applicant shall obtain the endorsement of the Planning Board upon the Definitive Plan within 180 days of termination of the appeal period following the date of approval of the Special Permit. This time limit shall be extended by the time necessary to resolve any appeals.
2. A Covenant or other form of surety as provided in MGL Ch. 41 S. 81-U to guarantee construction of the road, drainage improvements and any additional on- or off-site improvements agreed to by the applicant, shall be provided to the Planning Board prior to endorsement of the Definitive Plan.
3. The proposed open space shown as Lot C on the Definitive Subdivision Plan shall be divided into two open space lots (Lots C and D). This division shall occur by extending the rear property line of Lot 5 in a northwesterly direction to the intersection of the existing stone walls adjacent to the property N/F Gentile as shown on the Definitive Plan.

The new Lot C shall remain under the ownership and care of the proposed Homeowners Association. Lot D shall be conveyed to either the Maxwell Trust, the Town of Scituate, or to another non-profit organization, acceptable to the Applicant, whose principal purpose is the conservation of open space, at such time as the Conservation Land (Parcel A) as shown of the Definitive Plan is conveyed to their ownership and care. Should Parcel A not be conveyed due to the inability of any of these entities to acquire the Parcel, Lot D shall remain under the ownership and care of the Homeowners Association. A note to this effect shall be included on the Definitive Subdivision Plan submitted to the Planning Board for endorsement under this approval.

4. Prior to endorsement of the Definitive Plan, lot lines shall be changed or easements added to the plan where driveways extend across more than one lot, to insure access will be maintained to the lot served by the driveway.
5. Notes shall be added to the Definitive Plan as follows:
 - All dwellings on the plan shall access from the proposed roadway.
 - No other access will be used nor will any extensions, attachments of any other roadways or common driveways to access any other lots besides those created by this plan will be permitted.
 - There will be no further subdivision of the land shown on the plan to create any additional building lots.
 - Kevin's Way shall remain a private road in perpetuity.
 - Prior to establishment of a Homeowner's Association, the applicant or his successor(s) in title shall maintain all streets and utilities within the subdivision, with the exception of water service. The developer shall inform the Planning Board within seven (7) days of the date that his/her maintenance responsibilities are assumed by the Homeowner's Association.
 - A Homeowner's Association shall be responsible for maintenance of the road and drainage system in the development, any open space owned by the Association, and any trails in this open space not owned or maintained by others. The drainage system includes all swales, rain gardens, retention or detention basins, drainage pipes and other landscaped or installed structures necessary to infiltrate or convey stormwater.
 - Approval of the Definitive Plan does not constitute the laying out or acceptance by the Town of streets shown on the Plan.
6. The applicant shall grant to the Town of Scituate, a right to construct, repair, replace, extended, operate, use and forever maintain all streets, water mains, sewer mains, and all surface and subsurface storm water drains in, through or under the streets and easements as indicated on the Definitive Plan, and shall provide an easement(s) for access to perform same prior to endorsement of the Definitive Plan. This easement shall allow the town or its agent to enter the property to determine the need for emergency repair of drainage facilities. This condition shall not be construed to relieve the applicant, and his successors in title, to the ownership of a portion of the land or any street within the subdivision, nor diminish in any way, his/their responsibility to complete all construction as required by the applicant's agreements with the Town and to thereafter maintain all streets and utilities in satisfactory condition.

If it is determine that emergency work is required, the Town shall notify the Homeowners Assoc which shall undertake the repairs. If they fail to act, the Town or its agent shall make the repairs and assess the Homeowners betterments for the repair costs.
7. As a condition of subdivision approval by the Planning Board, the applicant shall cooperate with the Planning Board and Town officials and assist them in their efforts to verify that the layout, design and construction work in his subdivision are satisfactory and conform to the Town specifications and the requirements of the Planning Board.

The applicant shall consent to allow members and employees of the Planning Board and other persons acting under the authority of the Planning Board as its agents, to enter upon any lands and carry out such surveys and inspections as may be deemed necessary, and place and maintain monuments and marks.

Requirements Prior to the Start of Construction

8. Approval of the ConCom and the BOH must be obtained prior to the start of construction. If the plans are modified as a result of the review by another Town Board or State Agency, the applicant must come back to the Planning Board for modification of the Definitive Plan.
9. All construction shall be completed according to plans by Beals & Thomas, Inc., dated August 4, 2008, with revisions through December 8, 2008, except as the plans are modified to conform to these conditions or those of the Flexible Open Space Development Special Permit.
10. Prior to the start of construction, the Applicant shall record the decision and endorsed Definitive Plan at the Plymouth County Registry of Deeds, and provide proof of recording to the Planning Board.
11. Prior to the start of construction, the limits of work including sidelines of roads, easements for underground utilities, the boundary of grading to the rear of the septic system and the boundaries of any open space proposed to be permanently protected, shall be staked. The staked area shall include a buffer around any mature trees that are intended to be saved, to prevent damage from storing equipment or stockpiling loam. The developer shall notify the Planning Board when the stakes are in place, and their location shall be reviewed by either the town's inspecting engineer or the Department of Public Works prior to the start of construction. The Planning Board reserves the right to stop work if stakes are not in place prior to clearing. All stakes shall remain in place until As-Built plans for the development are approved.
12. Any proposed material changes in grading or clearing from the approved plan must be reviewed by the town's inspecting engineer before construction occurs. If the town's inspecting engineer cannot make this certification, a new Public Hearing may be required prior to consideration of approval of these changes.
13. Due to the size and complexity of this development, the inspections for this development will be done in accordance with Section 9.0 of the Town of Scituate Subdivision Rules and Regulations. The town's inspecting engineer shall perform these inspections. Funds for this review shall be provided to the Planning Board prior to the scheduling of the inspection.
14. Construction of the roadway, surface drainage and utilities will be supervised by a Registered Professional Engineer who shall certify to the DPW or its agent that construction is in agreement with the approved plans.
15. Noise mitigation and proper dust controls shall be used, with clean-up of all areas of the site as needed, and truck idling on the site or adjacent streets shall be kept to a minimum. There shall be no off-site parking or standing of construction vehicles.
16. Prior to the start of construction, a draft copy of the Homeowner's Association Agreement shall be provided to the Planning Board for review by Town Counsel at the applicant's


expense (see Condition #17, below).

Requirements Prior to Issuance of the First Building or Occupancy Permit

17. Prior to issuance of the first building permit, the developer shall record a Homeowner's Association Agreement with the Registry of Deeds. The applicant must provide evidence that documents establishing the Homeowner's Association and its responsibilities have been recorded prior to issuance of the first building permit.

The Agreement shall specify:

- A Homeowner's Association made up of all property owners will be responsible for maintaining the roadway, the drainage system and all of its components, all common area plantings and landscaping, and all commonly owned Open Space, and shall reference the Operation & Maintenance Plan for the drainage system, as approved by the town's consulting engineer.
 - Stormwater treatment must utilize Best Management Practices and meet the requirements defined by the consulting engineer during the review process.
 - A yearly certification of compliance with the O & M plan shall be provided to the Planning Board and Department of Public Works.
 - The developer shall inform the Planning Board within seven (7) days of the date that his/her maintenance responsibilities are assumed by the Homeowner's Association, and of the election, name and phone number of the President of the Association.
18. All initial and subsequent deeds for individual house lots shall reference this decision and its conditions, and shall state that the lot is subject to a Homeowner's Association Agreement.
19. There shall be no construction on any lot shown on the plan as an Open Space Lot. These lots shall remain in their natural state except for limited maintenance such as pruning and clearing of dead or fallen trees, except within easements granted to the Town as necessary for walking trails or to provide or expand water service. This condition shall be recorded as a deed restriction, to run with the land in perpetuity. This deed restriction shall be recorded, and evidence of recording provided to the Planning Board, prior to issuance of the first building permit.
20. All clearing and earth moving operations shall only occur while the appropriate erosion and sedimentation measures approved by the Conservation Commission are in place. Such control measures will remain in place until the Conservation Commission determines they are no longer needed.



Donna Chisholm
Vice-Chairman, Planning Board

cc: Hennessey 1998 Nominee Trust
David Johnson, Beals & Thomas, Inc.
Director, Department of Public Works
Building Commissioner
Director of Public Health