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TOWN OF ANDOVER Essex North Registry
DEPARTMENT OF COMMUNITY DEVELOPMENT
AND PLANNING

CERTIFICATE OF ANDOVER TOWN
CLERK PURSUANT TO MASS GENERAL
LAWS c. 41 SECTION 81U

1. On September 28, 2018 a definitive plan for a subdivision entitled Samuel Way, dated August 15, 2018 last revised November 2, 2018 was filed with the Andover Planning Board.
2. Pursuant to G.L. c. § 81U, the Planning Board was required to take final action on said plan by February 9, 2019.
3. On November 13, 2018, the Planning Board took the following action on said plan (delete all but correct choice):

- a. Approved with conditions attached to this Certificate:
- b. ~~Modified and approved subject to the conditions attached to this Certificate:~~
- c. ~~Disapproved, for the following reasons attached to this Certificate:~~
- d. ~~Approved on _____ by operation of law due to the failure of the Planning Board to take final action within 90 days/135 days or within such time as was agreed to upon the written request of the applicant.~~

RECEIVED
TOWN CLERK'S OFFICE
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TOWN OF ANDOVER, MASS

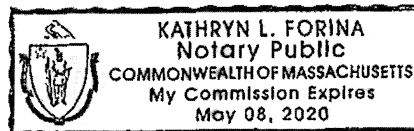
Executed this 26th day of November, 2018, by Jacki Byerley, the authorized agent of the Andover Planning Board.

Essex, ss. Commonwealth of Massachusetts

On this 26th day of November, 2018, by Jacki Byerley, the authorized agent of the Andover Planning Board, proved to me through satisfactory evidence, to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the documents are truthful and accurate to the best of his knowledge and belief and who acknowledged to me that he signed it voluntarily for its stated purpose and acknowledged the foregoing to be the free act and deed of the Andover Planning Board.

Before me: Kathryn L. Forina

My Commission Expires: May 8, 2020



KNOW ALL MEN BY THESE PRESENTS

This instrument is intended as a restriction on a certain approved 4-lot Definitive Subdivision Plan entitled "Samuel Way" dated August 15, 2018 last revised November 2, 2018.

The plan was filed with the Planning Board on September 28, 2018. The Public Hearing was held on October 23, 2018, and the plan approved on November 13, 2018.

The definitive plan was approved subject to the following conditions:

Conditions of Approval:

General Conditions

1. For purposes of this approval the subdivision shall be defined as all features depicted on the plans described under condition number 2; the developer shall be defined as the applicant, AJM Construction LLC and its assigns or successors in title to the development, and all contractors and subcontractors under control of or in service to the developer;
2. Except as otherwise provided for in these conditions the construction of the subdivision and all activities associated therewith shall be in conformance and compliance with the information, details, notations, grading and features shown on the following plans, drawings and documents prepared by Civil Design Consultants, Inc;
 - a. Sheet C1, Cover Sheet, dated August 15, 2018 revised through November 2, 2018;
 - b. Sheet C2, Existing Conditions Plan, dated August 15, 2018 revised through September 25, 2018;
 - c. Sheet C3, Subdivision Plan, dated August 15, 2018 revised through September 25, 2018;
 - d. Sheet C4, Roadway Centerline & Utility Plan, dated August 15, 2018 revised through November 2, 2018;

- e. Sheet C5, Grading & Drainage Plan, dated August 15, 2018 revised through November 2, 2018;
 - f. Sheet C6, Soil Erosion & Sedimentation Plan, dated August 15, 2018 revised through November 2, 2018;
 - g. Sheet C7, Road, Utility, and Grading Plan, dated November 2, 2018;
 - h. Sheet D1, Construction Details, dated August 15, 2018 revised through October 18, 2018;
 - i. Sheet D2, Construction Details, dated August 15, 2018 revised through October 18, 2018.
3. Sheet C3 of said plan entitled "Subdivision Plan", dated August 15, 2018 revised through September 25, 2018, as prepared by Civil Design Consultants Inc; and an instrument containing these conditions, shall be recorded at the North Essex Registry of Deeds pursuant to the requirements of the Subdivision Rules and Regulations of the Andover Planning Board;
 4. Prior to the recording of the definitive plan, the applicant shall provide to the Planning Department a digital file containing the plan if produced using computer aided drafting and design (CADD) software. The file format shall be in AutoCAD DWG (or ASCII DXF) version 2004 or earlier and Adobe PDF, delivered on CD-ROM or DVD-R media. AutoCAD file delivery shall be in full model view and individual sheet views. The digital file shall include property boundaries, dimensions, easements, rights-of-way, edge of pavement, edge of sidewalk, edge of water bodies, wetland boundaries, topographic contours, spot elevations, parking areas, road centerline and associated text. Said digital data shall be delivered in the Massachusetts Coordinate System, North American Datum 1983 and North American Vertical Datum 1988, in U.S. Survey Feet. A review of the digital file shall be made by the Department of Public Works prior to the recording of the definitive plan;
 5. This subdivision approval is limited to three new building lots plus one existing historic home and the existing home of 121 Bailey Road as shown on the plan referenced above;
 6. The owner and applicant shall, pursuant to statute, have twenty (20) days following the approval action of the Andover Planning Board to file an appeal of said action, and in the absence of an appeal shall be deemed to have accepted said action and these conditions;
 7. Within five (5) days of the transfer of ownership of this subdivision, in whole or in part, the developer shall notify the Andover Planning Department of the name and address of the new owner(s). The developer shall provide the new owner(s) with a copy of these conditions;

8. No permits for construction of the new dwelling may be issued by the Inspector of Buildings for any lot within this subdivision unless and until the provisions of Section V.E. of the Rules and Regulations of the Board have been satisfied. Once a building permit has been issued for any particular lot this condition will be deemed to have been complied with and considered released for that lot;
9. Any blasting operations shall require proper permits, and may not be undertaken on any weekend or holiday;
10. All grading and earth disturbance within the subdivision shall be governed by Sections VI.F.6., and VI.F.7. of the Rules and Regulations of the Board, as well as the Special Permit for Earth Movement as issued under the Planning Board Decision SP18-02;
11. Import or export of earth materials from within the subdivision is prohibited except as may be provided for under the special permit issued under Planning Board Decision SP18-02, or as otherwise allowed under the applicable provisions of the Zoning Bylaw;
12. Deeds for Lots 2, 3, and 4, as shown on the plan shall be granted the right to pass and re-pass over the private way;
13. Yard sprinklers or other privately owned underground devices shall not be installed within the roadway or utility easements, nor shall private recreational features be allowed within the roadway. Landscaping within the roadway in the form of grass, flowers, trees and small shrubbery is permitted at the risk of the lot owner, provided that such landscaping does not interfere with the use or safety of the roadway;
14. The subdivision shall be constructed in accordance with and subject to all applicable provisions of the Rules and Regulations of the Board. The approval and these conditions shall be enforced under the provisions of Section V.H. of the Rules and Regulations of the Board;
15. Original mylar prints of the above mentioned plans must be submitted for endorsement to the Planning Division following the statutory 20-day appeal period;
16. Prior to recording of the definitive plan an Approval Not Required Plan shall be submitted for endorsement and recorded for the creation of the Host Lot that will be considered the Historic Home Lot and the New Lot as approved by the Zoning Board of Appeals;
17. Prior to the recording of the definitive plan at the Registry of Deeds the developer shall provide the Planning Department with a municipal lien certificate indicating that all taxes, assessments and charges have been paid in full as required by MGL, Chapter 60, Section 23;
18. The Homeowners' Association shall be responsible in perpetuity for all maintenance of the drainage systems, pavement and common utilities within the Samuel Way right of

way as shown on the plans referenced in Condition # 2. The individual water service lines located in Samuel Way and on the individual lots will be the responsibility of the lot it serves;

19. The street Samuel Way as approved, is intended to remain as a private way in perpetuity, with lot owners responsible for snow plowing, maintenance costs, and street improvements. Any change to this condition will require approval by the Planning Board and will result in whatever design and construction changes are necessary to bring the private way into full compliance with roadway construction standards contained in the Subdivision Regulations, with lot owners responsible for improvement and maintenance costs;
20. Trash and recycling trucks will not travel on Samuel Way, pick up of trash and recycling will take place on Bailey Road;

Prior to Construction

21. Prior to any construction activity within the subdivision the developer shall submit for review and approval to the Planning Department a proposed construction sequence schedule in a form provided by the Department, said schedule to be used as a guide to activities within the development including construction of roadways, utilities, drainage systems, stabilization, and stockpiling. This schedule once established shall not be deviated from, but may for good and demonstrated reason, be modified by agreement between the developer and the Planning Department;
22. Construction traffic associated with this subdivision shall be regulated by the Inspector of Buildings. Prior to commencing hauling operations, a hauling route shall have been reviewed and approved by the Inspector of Buildings. Any deviation from the approved route and/or scheduling once established shall require proper notification and approval from the Inspector of Buildings. Construction traffic shall be defined as large trucks hauling earth moving equipment, dump trucks, trucks hauling building materials, cement trucks, and contractors' vehicles larger than panel trucks. It shall be the developer's responsibility to inform all contractors, subcontractors, vendors, and workmen of this restriction, which shall be enforced under the provisions of Section V.H. of the Board's Rules and Regulations;
23. Prior to any construction activity of any kind within the subdivision the developer shall submit for review and approval to the Planning Department a detailed schedule of the anticipated earth operations;
24. Prior to introduction of construction equipment onto the site a meeting shall be conducted between the developer, the developer's contractors, and the Planning Department, as well as the Conservation Department, and Department of Public Works for the purpose of reviewing these conditions and the construction sequence schedule;

25. Once paved, the roadway Samuel Way shall be kept clear and passable at all times. No equipment shall be parked in such a manner as to render the roadway impassable, and no refuse containers, trailers, or construction materials of any kind shall be placed or stored upon the street nor within the cul-de-sac island;
26. Prior to any construction activities, the documents establishing the Homeowners' Association must be reviewed by Town Counsel, approved by the Planning Board and recorded at the Essex North Registry of Deed. The Homeowners' Association documentation shall provide for:
- a. The maintenance, inspections and upkeep of the stormwater facilities on site;
 - b. The maintenance, inspections and upkeep of the private way including but not limited to snowplowing and salting of the roadway;
 - c. Removal/placement of trash and recyclables;
 - d. Shall reference compliance to the latest Long Term Operation and Maintenance Plan;
 - e. The establishment of an account in an amount recommended by the Town Engineer and approved by the Planning Board and secured in a manner and form approved by the Board. Following establishment, the developer shall provide the Planning Department with written proof that said account has been established running to the benefit of the Homeowners' Association. The account was established shall be kept for the purpose of maintenance, repair and/or restoration of said items with a minimum balance as recommended by the Town Engineer to be maintained at all times.
 - f. The terms and method of assessments; the method of drawing on such funds; shall restrict any alteration of those facilities; shall indemnify the Town from any responsibility or liability for maintenance and operation of those facilities; and shall further provide that the Town will be reimbursed for any expenses incurred in the event the Town is required to perform any work in or on any of the facilities;
 - g. In the event that any of the facilities are damaged to such an extent that they no longer perform its intended function, and such damage is not repaired by the Homeowners' Association within 90 days of such damage, the Town shall have the right to make such repairs and lien the property owners or use any other remedy available under the law to effect the same;
 - h. The Town shall be provided with an easement to maintain and repair said facilities if necessary but all financial responsibility for any such repairs, inspections and maintenance shall be solely on the Homeowners' Association and all lot owners by virtue of their interest in said association;
 - i. A provision that the bylaw and declaration cannot be amended or dissolved in any manner without approval of a majority of the Andover Planning Board;

Throughout Construction

27. Construction equipment or materials shall not be parked, stored, or placed in any area directly adjacent to or upgradient of any drainage channel or wetland area, nor in the cul-

- de-sac. Repairs and maintenance to equipment shall be conducted in areas where no spills or leakage of fuels or other fluids could pose a pollution hazard;
28. Earth disturbed by construction activities associated with the roadway or easements, such as tree cutting, stump grubbing, cutting, filling, and regrading, shall be appropriately stabilized by methods determined by the Planning Department within sixty (60) days of such disturbance unless otherwise approved by the Planning Department;
 29. No building lot shall remain in an open condition longer than sixty (60) days. "Open" shall be defined as that period of time between initial preparation of the lot for building (clearing of trees, stripping of topsoil), and the time that the foundation has been installed, backfilled, and the rough grading has been established and stabilized by use of temporary seeding, mulching, or netting. This restriction shall remain in force until the lot has been properly stabilized and shall survive changes in ownership of the lot;
 30. Stockpiles shall be prohibited within fifty (50') feet of any wetland boundary, drainage channel or water course, and prohibited in any area which necessitates removal of trees for such purpose. Only locations approved by the Planning Department may be used for stockpiles of earth materials;
 31. Long term (more than sixty days) stockpiles of earth materials shall be shaped and secured by butted haybales around the perimeter, and shall be promptly stabilized by temporary seeding or netting;
 32. Burial or burning of vegetation, stumps, or construction debris is strictly prohibited anywhere within the subdivision. Such materials shall be removed and properly disposed of off the site;
 33. All construction activities within the subdivision shall be confined between the hours of 7:00 a.m., and 6:00 p.m., Monday through Friday, unless otherwise approved by the Planning Board. Once fully framed, interior construction related activities are allowed on Saturdays between 8:00 a.m. and 6:00 p.m. unless otherwise restricted or prohibited by the Inspector of Buildings in response to complaints. Construction activities include the transport of equipment, materials and supplies to and from the subdivision;
 34. As field conditions warrant, berms of type and design specified by the Department of Public Works shall be installed in locations determined by the written decision of the Director of Public Works;
 35. Construction activities on individual lots shall be conducted in a workmanlike manner at all times. Blowing dust or debris shall be controlled by the developer of lots through stabilization, wetting down, and proper storage and disposal methods;

Prior to Clearance Certificates

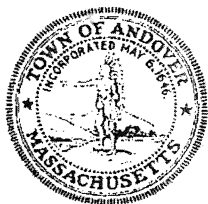
36. Prior to the issuance of a Clearance Certificate for any lot, all utilities, grading, demolition and improvements as shown on the plan sheet C7 Road, Utility, and Grading

Plan dated November 2, 2018 shall have been fully constructed and approved by the appropriate Town Departments. Immediately following the installation of said utilities, the developer shall prepare as-built plans pursuant to Section VII.W. of the Rules and Regulations Governing the Subdivision of Land in Andover;

37. Prior to issuance of any Clearance Certificates for the site, the developer shall have established a performance guarantee, which shall be used to secure proper construction and installation of the subdivision improvements and submission of as-builts. Said account shall be established in an amount recommended by the Town Engineer and approved by the Planning Board and secured in a manner and form approved by the Board. Upon submission of final as-builts and following a report by the Department of Public Works that all required subdivision work has been satisfactorily completed the Board may release the performance guarantee;

Specific Conditions

38. Immediately following the installation of water lines the developer shall prepare a plan pursuant to Sections VII.W.3., and VIIW.4. of the Subdivision Rules and Regulations showing the location of all service connections to the building lots;
39. Prior to release of performance guarantee, the applicant shall submit to the Planning Department digital files of as-built plans of the features listed above, including utilities and approximate building location, following the format described in # 4 above;
40. Prior to the conveyance of individual lots within the subdivision the developer shall provide the Planning Department with a surveyor's certification that temporary lot corners have been established on the ground for the lot to be conveyed. Once established, maintenance of these temporary corners shall be the responsibility of the lot owner. Upon completion of the street, and prior to the final release of any performance guarantee held, the developer shall provide the Planning Department with a surveyor's certification that all bounds and corners have been set in accordance with Section VII.U. of the Rules and Regulations of the Board;



TOWN OF ANDOVER
DEPARTMENT OF COMMUNITY DEVELOPMENT
AND PLANNING

CERTIFICATE OF ANDOVER TOWN
CLERK PURSUANT TO MASS GENERAL
LAWS c. 41 SECTION 81V

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2. Pursuant to G.L. c. § 81U, the Planning Board was required to take final action on said plan by February 9, 2019.
3. On November 13, 2018, the Planning Board took the following action on said plan :
 - a. Approved with conditions attached to this Certificate:
 - ~~b. Modified and approved subject to the conditions attached to this Certificate:~~
 - ~~c. Disapproved, for the following reasons attached to this Certificate:~~
 - ~~d. Approved on _____ by operation of law due to the failure of the Planning Board to take final action within 90 days/135 days or within such time as was agreed to upon the written request of the applicant.~~

The approval has become final.

I Austin Simko, the duly appointed Town Clerk of the Town of Andover, Massachusetts, do hereby certify that twenty (20) days have elapsed since the foregoing decision of the Andover Planning Board was filed in the Office of the Town Clerk on November 26, 2018 and no appeal has been filed with my office.

Date: 12-21-2018

Austin Simko
Austin Simko, Town Clerk

CERTIFICATION

I, Austin Simko, Town Clerk of the Town of Andover, Massachusetts, do hereby certify that twenty (20) days have elapsed since this decision of the Andover Planning Board was filed in the Office of the Town Clerk on and no appeal has been filed with the Town Clerk.

Date: 12-21-2018

Austin Simko
Town Clerk

A TRUE COPY

ATTEST: Austin Simko

Town Clerk