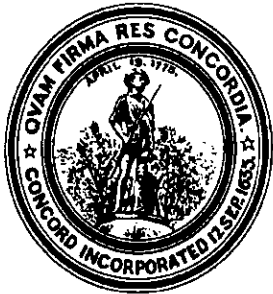


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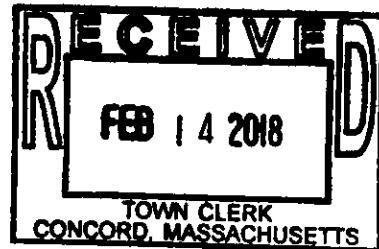


# TOWN OF CONCORD

## Planning Board

141 Keyes Road - Concord, MA - 01742

Phone: 978-318-3290



Bk: 73999 Pg: 153 Doc: DECIS  
Page: 1 of 9 01/16/2020 12:05 PM

Filed with the Town Clerk  
February 14, 2018

### DECISION ON A DEFINITIVE SUBDIVISION PLAN AND CERTIFICATE OF APPROVAL

#### KEUKA ROAD

**DECISION** of the Planning Board (the Board) on the application of Craig and Hope Beckman of Keuka Road LLC (Applicant), 653 Main Street for property located on a paper street shown on a Plan entitled "McCallar Tract, Concord, Mass", Ernest W. Branch C.E., dated July 1913, and recorded with the Middlesex South Registry of Deeds in Plan Book 217, Plan 3 (Keuka Rd.) off Main Street and known as Assessor Parcels #3825, #3838, #3842-2, #3849, #3850, #3851.

This Decision is in response to an application filed on November 22, 2017. After causing notice of the time and place of the public hearing and of the subject matter thereof to be published in *The Concord Journal* on January 4, 2018 and January 11, 2018, posted and mailed to the Applicant, abutters and other parties in interest as required by law, the public hearing was opened on January 23, 2018 and continued to February 13, 2018 with a time extension for the filing of the Board's Decision granted by the Applicant to February 19, 2018.

The Applicant made a presentation to the Board at its regular meeting on January 23, 2018. The Applicant is proposing a four-lot subdivision with 22-foot wide roadway and a T-turnaround at the end of the road. The Applicant is proposing to extend a water main from Main Street down the entire length of Keuka Road to loop to Main Street at the other end. The construction of the roadway requires approximately 2,500 c.y. of fill. Stormwater drainage is through a series of catchbasins to detention basins and subsurface infiltration bed.

The Board took into consideration comments and recommendations received from Town Departments, the Town's outside consultant, the Town Planner's report dated January 23, 2018 and the December 21, 2017 letter from the Board of Health approving the Definitive Subdivision Plan with conditions.

It is hereby certified by the Board that, after discussion of the project and consideration of the record and comments heard during the meetings, the Board voted to **GRANT** with certain waivers approval with conditions of a four-lot Definitive Subdivision Plan entitled "Hosmer Meadow Definitive Subdivision Plan, Keuka Road, Concord, Massachusetts", with a revision date of January 30, 2018 and consisting of 10 Sheets as prepared by Stamski & McNary, Inc. of Acton, MA.

BK. 66846 p. 73 BK. 66846 p. 488  
BK. 66846 p. 485 BK. 66846 p. 491

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The Board deliberated on the following seven requested waivers:

Section 6.8.1 Table IA Minimum Design Standards for Local Streets

1. *Minimum Right Of Way Width:* A minimum road right-of-way width of 40 feet instead of 50 feet. Keuka Road was laid out in 1913 with a 40-foot right-of-way. The Board finds that the Applicant is not able to modify the road right-of-way layout to 50 feet due to the transfer and development of two lots where Keuka Road intersects with Main Street. The Board **GRANTS** this waiver.
2. *Minimum Radius of Curve:* A minimum centerline radius of curve of 51.71 feet instead of 225 feet. Keuka Road was laid out in 1913 with a 50-foot radius curve. The Board finds that the Applicant is not able to modify the road right-of-way layout to meet this requirement because of the ownership and development of two lots adjacent to the curve. The Fire Department and Town Engineer did not express any concern with the 50-foot radius curve. The Board **GRANTS** this waiver.
3. *Cul-de-Sacs:* The road layout and construction does not meet the required standards for a cul-de-sac turnaround and the T-turnaround is not within the road right-of-way. The Board finds that the T-turnaround is designed to accommodate the current fire truck standards and the Fire Department did not express any concern with the T-turnaround design. The Board **GRANTS** this waiver.

Section 6.8.9 Intersections

4. *Intersections:* A minimum intersection offset of 150 feet is required. Keuka Road was laid out in 1913. The Florio Drive Subdivision was approved and developed in 1987; an offset waiver for Florio Drive was not considered at that time because Keuka Road had not been constructed. The Board finds that the Applicant is not able to relocate the Keuka Road intersection due to the ownership and development of lots along Main Street and that the Police Department and Town Engineer did not express any concern with the reduced offset. The Board **GRANTS** this waiver.

Section 6.9, Curbing

5. *Curbing:* As a minimum, a continuous, low-profile, modified Cape Cod berm shall be provided as an integral part of all new streets. The curb on the western side of the proposed road is removed from STA 1+00 to STA 3+ 25 to reduce grading along the shoulder. Keuka Road has been shifted three feet northerly from STA 1+00 to STA 3+25 to eliminate the need for a retaining wall on the southern side of the road and a 1:1 rip rap slope is proposed. The Board finds this is an improved road design and **GRANTS** this waiver.

Section 6.10, Sidewalks

6. *Sidewalks:* A sidewalk on one side of the street is required. The plans do not show any sidewalks. The Board finds that a sidewalk is not required due to the limit of four dwellings, the reduced right-of-way width limits the available room for a sidewalk to be separated from the roadway, the increase in impervious surface and stormwater drainage needed for the construction of a sidewalk, and the need for additional grading and retaining walls that would be required. The Board **GRANTS** this waiver.

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### Section 6.17, Street Trees

7. *Street Trees*: A minimum of one street tree every 50 feet is required. The Board finds that due to the limited space available for trees within the 40-foot right-of-way and with the offset of the pavement within the road right-of-way, only a limited number of trees are proposed every 50 feet. The Board **GRANTS** a waiver to allow the remaining required trees to be planted in alternative locations within the road right-of-way.

Although a waiver to the Subdivision Rules & Regulations is not required, the Board discussed and approves the shifting of the pavement three feet within the road right-of-way northerly from STA 1+00 to STA 3+25 to eliminate the need for a retaining wall on the southern side of the road and allow for a 1:1 rip rap slope.

In consideration of the waivers granted and recommendations from Town Departments, boards, committees and commissions, this Decision is subject to the following conditions, limitations and restrictions:

1. Approval is based on the following plans prepared for Keuka Road, LLC, 653 Main Street, Concord, MA 01720 as amended by Condition #7:

Stamski and McNary, Inc., 1000 Main Street, Acton, MA 01720

- a. Hosmer Meadow Definitive Subdivision Plan, Keuka Road, Concord, Massachusetts, Sheet 1 of 10 with a revision date of January 30, 2018
  - b. Existing Conditions, Sheet 2 of 10 with a revision date of January 30, 2018
  - c. Record Plan, Sheet 3 of 10 with a revision date of January 30, 2018
  - d. Record Plan, Sheet 4 of 10 with a revision date of January 30, 2018
  - e. Site Development Plan, Sheet 5 of 10 with a revision date of January 30, 2018
  - f. Plan & Profile, Sheet 6 of 10 with a revision date of January 30, 2018
  - g. Construction Details, Sheet 7 of 10 with a revision date of January 30, 2018
  - h. Construction Details, Sheet 8 of 10 with a revision date of January 30, 2018
  - i. Stormwater Pollution Prevention Plan, Sheet 9 of 10 with a revision date of January 30, 2018
  - j. Stormwater Pollution Prevention Plan, Sheet 10 of 10 with a revision date of January 30, 2018
2. Access from the improved roadway shall be limited to four lots until the Planning Board grants a Definitive Subdivision to extend the road and improve the stormwater drainage.
  3. Any wells for domestic water, irrigation purposes, or heat pump use, shall be designed, permitted and constructed in accordance with the Concord Board of Health regulation, Minimum Sanitation Standard for Private and Semi-Public Water Supply.
  4. No underground fuel storage systems shall be installed without a variance granted by the Board of Health in accordance with Section 4 of the Underground Storage Tank Bylaw adopted by the April 1993 Town Meeting.

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5. Tree stumps and wood wastes generated by land-clearing operations shall not be buried on site. DEP's solid waste regulations 310 CMR 16.05(3)(d) and 310 CMR 19.013(1)(h) prohibits stump dumps on lots being developed for sale.
6. The subdivision road shall use the name Keuka Road and house lots shall be numbered accordingly as assigned by the Building Commissioner.
7. **Prior to the Endorsement of the Definitive Plan**, the Applicant shall provide the Town Planner three (3) sets of revised Plans showing the following:
  - a. The location of the additional proposed meadow area at the terminus of the road and a note that the proposed meadow areas will be seeded with a native meadow mix and mown once annually after October 15<sup>th</sup>.
  - b. The location of permanent boundary markers at all changes in course along the Limit of Work on the northern side of the subdivision.
  - c. A note stating "Access from the improved roadway shall be limited to four lots until the Planning Board grants a Definitive Subdivision to extend the road and improve the stormwater drainage."
  - d. A note stating the native species of street trees to be planted.
8. **Prior to the Endorsement of the Definitive Plan**, the Applicant shall provide to the Board for approval a performance guarantee for the construction of the roadway, stormwater drainage system and municipal utilities in a manner consistent to MGL Ch. 41, Sec. 81-U.
9. **Prior to the commencement of any site work**, the Applicant shall record with the Middlesex South Registry of Deeds the Definitive Plan and Decision. The Applicant shall provide the Town Planner, Town Engineer, Natural Resources Director and Building Inspections Division a complete full size set of prints of the recorded Plan and recorded covenants and restrictions. If at any time the construction of the subdivision is not in compliance with this Certificate of Approval and/or the Subdivision Rules and Regulations, the Board may order that work on the subdivision be stopped and request that the Building Commissioner defer the issuance of any Building Permits or Certificates of Occupancy until the non-compliance is corrected.
10. **Prior to the commencement of any site work**, the Applicant shall submit to the Town Engineer, Town Planner, Community Safety Officer and Building Inspections Division for review and approval a Construction Sequencing and Safety Plan for the construction of the road. The plan shall include the location of construction material delivery and laydown areas, location of construction employee parking areas, and safety protection measures employed to protect the movement of pedestrians and vehicles along the adjacent public ways. The plan shall be developed for all phases required during construction. The Applicant shall park all construction equipment and vehicles on the site and outside the jurisdictional areas of the NRC for the construction of the road and lots. No parking on Main Street shall be permitted for the construction of the road or lots.
11. **Prior to the commencement of any site work**, the Applicant shall:
  - a. Install the erosion and sedimentation controls and all safety measures.

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- b. Coordinate through the Town Planner a pre-construction meeting with Town staff to review proposed work and safety protocols.
  - c. Provide a construction & inspection schedule for review by Town staff 2 weeks before the pre-construction meeting.
12. **Prior to the commencement of any site work**, the Applicant shall file a Right-of-Way Permit with the Engineering Division for the proposed work within the Main Street Right-of-Way. The application shall include a plan that details the intended road design and demonstrates that the sidewalk crossing on Main Street complies with ADA regulations and include spot grades for review.
13. **Prior to the commencement of any site work**, the Applicant shall submit to the Town Engineer and Natural Resources Director for review and approval a hard copy and electronic (PDF) copy of the EPA's Notice of Intent General Permit and executed Stormwater Pollution Prevention Plan (SWPPP), the Erosion Control Plan (ECP), and Long Term Operations and Maintenance Plan (LTOMP). The electronic copy shall contain an individual file for the SWPPP, ECP and LTOMP.
14. **Prior to the commencement of any site work**, the Applicant shall have on site a qualified independent environmental monitor to ensure proper operations of all sediment and erosion control measures throughout the duration of the project, as well as in jurisdictional wetland resource areas. The name and resume of the qualified independent environmental monitor shall be provided to the Town Engineer and Natural Resources Director for review and approval at least three weeks in advance of the start of any site work. At a minimum, the independent environmental monitor shall be a "qualified personnel" with a minimum of 3 years professional environmental experience in construction monitoring and shall meet the qualifications outlined in sec. 4.4.1 of the EPA Construction General Permit. The environmental monitor shall provide the Town Engineer and Natural Resources Director site evaluation/inspection reports at the frequency detailed in the SWPPP (i.e. Weekly, after storms).
15. **Prior to the commencement of any site work**, the Applicant shall receive an Order of Conditions, or Superseding Order of Conditions, issued under the Wetlands Protection Act and Concord Wetlands Bylaw and shall comply with all conditions placed on the project and provide a copy of a recorded Order of Conditions, or Superseding Order of Conditions to the Natural Resources Division and the Building Inspections Division.
16. **Prior to the commencement of any site work**, the Applicant shall meet with the Water/Sewer Division to review the proposed scope of water utility work and sufficiently demonstrate that:
  - a. Water service infrastructure can be designed and constructed in accordance with the Water/Sewer Division's design and construction standards, including installation of 3-way isolation valve assemblies, and
  - b. water demand, if greater than 30 gallons per minute, can be minimized via demand management tools that may be codified in a water use impact report (conservation plan) and Water Customer Data Sheet, and if proposed,

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- c. include acknowledgement that lawn irrigation system(s), will be designed and installed in accordance with the Town of Concord Rules and Regulations Governing Water Use and Connection. A lawn irrigation system is subject to an additional connection fee and shall be registered with the Water/Sewer Division and be operated in accordance with the Town of Concord Water Use Restriction Bylaw.
17. **At each of the following phases or steps in the construction of the road improvements,** the Applicant shall be required to have inspected by the design engineer with stamped certification submitted to the Town Engineer that the work has been completed within substantial compliance with the approved design and specifications:
    - a. Following installation of all underground drainage and utilities, prior to backfilling;
    - b. Following preparations of the street subgrade and shoulders;
    - c. Following spreading and compaction of the gravel base, prior to application of the binder course on the street;
    - d. Immediately prior to and during the application and compaction of the surface course on the street and, if required, on the sidewalk, and;
    - e. Following completion of all improvements and installation of bounds.
  18. **Prior to the issuance of any Building Permit,** the Applicant shall coordinate with the Police Department and Concord Municipal Light Plant ("CMLP") an inspection of the roadway entrance onto Main Street to determine whether a new street light is required for safety purposes. If it is determined a light is needed, it shall be installed at the expense of the Applicant **prior to the issuance of the first Certificate of Occupancy.**
  19. **Prior to the issuance of any Building Permit,** the Applicant shall provide CMLP a digital copy of the utility plans in AutoCAD format. This will allow CMLP to issue an underground electrical primary, secondary, and Town fiber communication design and issue an estimate for CMLP's construction costs. The estimated cost for CMLP's portion of the job will be paid for in advance by either the contractor, developer, and/or property owner as per CMLP's terms and conditions.
  20. **Prior to the issuance of any Building Permit,** the Applicant shall provide CMLP with an electrical load letter including proposed service sizes in order to properly size the transformer.
  21. **Prior to the issuance of any Building Permit,** the Applicant shall submit an application for the proposed water main and water service to the Water/Sewer Division for review and approval and shall include the following:
    - a. Identification of a Water/Sewer Division licensed "drain layer" who will be responsible for water main and water service installation activities.
    - b. Two full size copies of the approved water utility plan. (Note: separate applications must be provided for the water main as well as each individual dwelling unit proposed to be served by Town water.)
    - c. An approved water use impact report and conservation plan which will determine sizing of the water meter and water system connection fee.

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22. **Prior to the issuance of a Building Permit for each lot**, the Applicant shall submit to the Town Engineer and the Building Inspections Division a grading and drainage plan stamped by a professional engineer that shows the grading, roof drains and perimeter drains required to prevent runoff to adjacent properties not located within the subdivision.
23. **Prior to the issuance of a Building Permit for each lot**, the Applicant shall submit to the Health Division for review and approval individual sewage disposal systems designed, permitted and constructed in accordance with :
  - a. Title 5 of the State Environmental Code, 310 CMR 15.000, Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage, and;
  - b. Concord Board of Health Regulation, Minimum Requirements for the Disposal of Sanitary Sewage in Unsewered Areas.
24. **Prior to the issuance of a Building Permit for each lot**, the Applicant shall receive approval from the CMLP Meter Supervisor for all proposed metering locations.
25. **Prior to the issuance of the first Certificate of Occupancy**, the Applicant shall provide CMLP a suitable utility easement for the proposed electrical underground distribution system including Town fiber communication system. The easement shall be reviewed and approved by CMLP prior to recording. The Applicant shall record all easements with the Middlesex South Registry of Deeds and provide copies of the recorded documents to CMLP, the Building Inspections Division and Town Planner. It is noted that the individual underground electric services are owned and maintained by the property owner and will require approval from the Town of Concord Electrical Inspector
26. **Prior to the issuance of the first Certificate of Occupancy**, the Applicant shall provide to the Town Planner for review and approval the Homeowner Association Documents. The Documents shall contain at a minimum language to address the following:
  - a. Provisions to allow the Town to enter onto the site to maintain or repair stormwater measures if the determination is made that these measures (i.e., swales, detention basins, subsurface infiltration) are not being properly managed or maintained, and the Homeowner Association shall be responsible for reimbursing the Town for the expense of such work.
  - b. Statement that the roadway will remain a private way now and in the future with no obligation placed upon the Town in terms of maintenance, repairs, plowing or acceptance as a public way.
  - c. Responsibilities, maintenance and reporting requirement for the stormwater drainage as specified in the Long Term Operations and Maintenance Plan (LTOMP).
  - d. No parking in the T-Turnaround or the end of the roadway that impedes emergency vehicle turning movements.
  - e. The location, responsibilities, maintenance, and limitations on the established meadow areas, including but not limited to the requirement that the meadow areas be mown once annually after October 15<sup>th</sup>.

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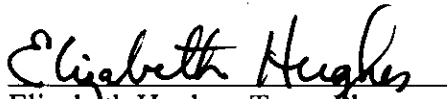
27. **Prior to the issuance of the first Certificate of Occupancy**, the Applicant shall submit to the Town Planner the documentation and materials to be used for the training of Homeowner Association Trustees regarding the responsibilities with being a trustee. The documentation shall include a draft affidavit that is to be signed by each trustee following the completion of the training.
28. **Prior to issuance of the first Certificate of Occupancy**, the Applicant shall submit to the Water/Sewer Division a full size draft record drawing (Arch D), created in accordance with Division standards, for review prior to finalizing the drawing. Once the draft is approved, the Applicant shall submit to the Water/Sewer Division a full-size (Arch D) hard copy of the final record drawing along with electronic copies in the form of CAD and pdf files.
29. **Prior to issuance of the first Certificate of Occupancy**, the Applicant shall furnish Water Demand Minimization Affidavit(s), as applicable, to demonstrate work was performed in accordance with the approved demand mitigation measures.
30. **Prior to the issuance of the Certificate of Occupancy for each lot**, the Applicant shall provide to the Building Inspections Division for review and approval a final grading plan for each lot showing it has been completed in accordance with the Definitive Plan, and the entire lot recovered with topsoil for an average depth of at least six (6) inches, except for that portion of the lot where the grade has not been changed or the vegetation seriously damaged. The topsoil shall be stabilized by seeding and/or sodding.
31. **Prior to the issuance of the Certificate of Occupancy for each lot**, all drainage and utilities applicable to the lot being occupied shall be installed and the roadway completed to binder course to access the unit to the satisfaction of Concord Public Works and CMLP.
32. **Prior to the issuance of the final Certificate of Occupancy**, the Applicant shall install the permanent boundary markers at all changes in course along the Limit of Work on the northern side of the subdivision in a manner acceptable to the Natural Resources Director
33. **Prior to issuance of the final Certificate of Occupancy**, the Applicant shall submit to Engineering, CMLP and the Town Planner an As-Built Plan showing all the constructed site improvements including street trees, bounds and monuments, utilities and all drainage system components such as but not limited to: pipe sizes, slopes and inverts, detention volumes and structures, roof leader locations, perforated pipe/sub drain information, etc. Additionally, all work within the ROW shall be completed and comply with Right-Of-Way permit conditions such as but not limited to: construction materials, quality of work, and meeting all other applicable CPW- Construction Standards and Details. To ease review, a written narrative certified by a Professional Engineer shall be submitted with the As-Built Plan outlining all variations between the permitted plan and as-built conditions. One hard copy and one electronic copy, in the form of both CAD and PDF Files, shall be provided.
34. The Board reserves the right to make modifications and amendments to the Plans and specifications approved herein, after written notice to the applicant and to owners of lots in the subdivision, provided that in the opinion of the Board any such modifications and amendments are consistent with the character of the land being subdivided and with the Town generally. However, if the Board determines that the modifications and amendments represent a substantial change, the Board's approval will not be granted prior to a noticed public hearing.




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35. Construction of all ways and installation of municipal services shall be completed within three years of the date of approval. If the construction and installation has not been completed within the three year period, the approval shall automatically lapse and no way shall be laid out, construction or opened for public use unless and until a new Definitive Plan application has been filed in accordance with the Rules and Regulations then in effect and the new plan has been approved by the Board.

On Behalf of the CONCORD PLANNING BOARD

  
Elizabeth Hughes, Town Planner

Decision filed with the Office of the Town Clerk:

  
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Kaari Mai Tari, Town Clerk

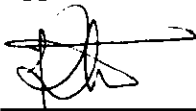
FEB 14 2018  
\_\_\_\_\_  
Date

I, Clerk of the Town of Concord, Massachusetts hereby certify the notice of approval of this Definitive Plan Decision by the Concord Planning Board has been received and recorded at this office and no appeal was received during the twenty days next after such receipt and recording of said notice.

\_\_\_\_\_  
Kaari Mai Tari, Town Clerk

\_\_\_\_\_  
Date

I, Kaari Mai Tari, Town Clerk for the Town of Concord, hereby certify that twenty (20) days have elapsed since the filing of the Decision on a Definitive Subdivision Plan and Certificate of Approval for Keuka Road and the appeal taken has been dismissed by the court.

  
\_\_\_\_\_  
Kaari Mai Tari, Town Clerk

JAN 06 2020  
\_\_\_\_\_  
Date