***Revised Stipulations for Consideration by the Planning Board on 4-18-18***

**Prior to the Planning Board’s issuance of its written Special Permit decision:**

1. The revised plans shall be internally consistent and the list of stipulations shall be referenced in and attached to the Planning Board’s Special Permit decision as exhibits and recorded with the decision at the Registry of Deeds.

# Prior to Issuance of Building Permit:

1. The special permit (with all plans, elevations, and referenced exhibits) shall be recorded at the Registry of Deeds against the existing parcel prior to the two lots being created, and a note reference to the special permit on the Definitive Subdivision Plan shall be used in connection with creating the two lots and the deeds for both lots shall reference the recorded special permit (including all required stipulations) – binding and running with both lots.
2. A restrictive covenant shall be recorded at the Registry of Deeds to the benefit of the City and directly abutting property owners that (1) restricts the use of the principal structures on Lot 1 and Lot 2 to a single-family use, (2) requires preservation (during and after construction) of the existing five evergreen trees along Union Street and, to the extent feasible, the existing hedges along Perkins Playground, and (3) prohibits any future upward extension of the garage structures or any future encroachment of the principal structures toward the abutting MEC property (Map 31 Lot 29).
3. The final construction drawings associated with a Building Permit(s) for the proposed single-family structures on Lot 1 and Lot 2 and the construction of those buildings shall strictly conform to the elevations, including the proposed maximum building height under both the Zoning Ordinance and the Ridge as shown (+/- 6 inches), labelled “*Proposed Elevations*”, for ‘Proposed New Residence: Lot No.1’ and ‘Proposed New Residence: Lot No.2’, prepared by Scott Brown, AIA, dated 3-28-18 (as revised) and the proposed setbacks, lot grading, drainage, and footprints shown on the “*Definitive Subdivision Plan of Land*” showing ‘proposed subdivision at 32 Union Street, Newburyport, MA’, prepared for Gorman Home, LLC by Millennium Engineering, Inc., dated 3-21-18 (as revised). For quality assurance and consistency with the approval, the Registered Design Professional and Civil Engineer for the project shall certify such conformance with a written affidavit that shall be submitted to the Planning Department in advance of construction;
4. All five (5) of the existing evergreen trees located directly along the Union Street frontage of Lot 2 shall be preserved and they shall be protected during construction with a hurricane fence located along the drip line. Such fencing shall be installed prior to commencement of the pre-construction meeting;
5. A view easement to the benefit of 7 Beacon Ave. shall be recorded at the Registry of Deeds that permanently protects the 58 foot +/- view corridor on both lots from #7 Beacon Ave., between the two proposed houses, easterly to the Merrimac River and Plum Island. Such easement area shall be shown on the recorded Definitive Subdivision Plan and, except for: (1) fences or vegetation less than 5 feet in height from grade; (2) in-ground pools; (3) accessory structures less than 100 SF in size and 10 feet in height; and, (4) a single shade or evergreen tree planted within 15 feet of the proposed single family house on Lot 2 (as shown on the revised Landscape Plan dated 3-30-18 and subject to approval of the easement holder), no other trees or permanent structures shall be permitted within the recorded view easement area;
6. A detailed Construction Management Plan (CMP) shall be submitted to the Planning Department and a copy shall be posted on the property during construction. The plan shall be used to coordinate contractors and provide a primary point-of-contact, manage on- and off-street parking for the general- and sub-contractors, any sidewalk closures, construction sequencing, and ensure the hours of operations for construction adhere to all applicable city ordinances. All dumpsters and portable toilets shall be located on-site during construction and be located toward the southeastern corner of the Lot 1. The CMP and written notification for a Pre-Construction Meeting shall be provided to the abutting property owners (on both side of the street) at least ten (10) business days prior to the meeting. The meeting shall be scheduled by the Planning Department;
7. If feasible, the CMP shall require construction of Lots 1 and 2 simultaneously so as to constrict the overall construction time period and associated neighborhood disturbance;
8. As requested by the Public Works Department, the sewer and water connection to the structure on Lot 1 shall be off Beacon Ave.
9. As required by the Health Department, the slab grades for both lots shall meet the city’s separation requirements from the seasonal high ground water level;
10. As required by the Fire Department, given the proposed waivers requested for the modified “court” design the structure on lot 1 shall be sprinklered for fire protection;
11. Any and all renderings included in the special permit application are intended only as general illustrative depictions of the project and do not represent the scaled dimensions or design details as shown on the stamped and scaled subdivision/ special permit plan, elevations, and the landscape plan;
12. The applicant shall obtain a Stormwater Management Permit under the City of Newburyport Stormwater Management Ordinance (Code of Ordinances, Chapter XVII) from the Department of Public Services since the project involves more than 10,000 square feet of land disturbance; and
13. Both proposed lots shall be landscaped in accordance with the submitted landscape plan titled “*Landscape Concept - Planting Plan*”, sheets 4 to 7, prepared by Howard Snyder, ALA, dated 3-30-18 (as revised). Such plan shall be modified to be fully consistent with the footprints, driveways, curbcuts, and building setbacks as shown on the approved Subdivision/ Special Permit Plan.

# Prior to Issuance of an Occupancy Permit:

1. The on-site improvements shall be completed as follows:
   1. The Registered Landscape Architect shall, prior to issuance of an occupancy permit, certify with a written affidavit that the landscaping has been installed in adherence to the approved landscape plan dated 3-30-18. A surety bond or other performance guarantee shall be provided to the City for instances where the landscaping is incomplete due to weather conditions at the time of occupancy. The proposed fence behind 30 Union Street shall include louvers along the top 12 inches of the fence as shown on sheet 7 of the revised landscape plan.
2. The off-site improvements shall be completed as follows:
   1. As shown on the landscape plan, subject to approval from the Department of Public Works, 100 feet +/- of the existing concrete sidewalk in front of 31.5 and 33 Union Street and 330 feet +/- of the existing grass, concrete, & asphalt sidewalk in front of 30-32 Union Street & 7 Beacon Ave. shall be replaced with a full-depth brick;
   2. A granite cobblestone apron (at least 5 feet in width) shall be used to delineate both the existing and proposed driveways from Beacon Ave. and Union Streets; and
   3. The existing concrete curbing along the frontage of Lot 2 shall be replaced with granite curbing and a full-depth brick sidewalk, to match the existing sidewalks on Union Street, shall be extended and installed to the MEC park entrance.
3. The Applicant, property owner, and their successors or assigns, shall adhere to the approved plans which are incorporated herein by reference.  Should the Applicant and/or property owner determine that a plan(s) needs to be modified, they shall notify the Board of the proposed modifications in writing and obtain approval from the Planning Board for such modifications prior to making any changes ‘in the field’ or otherwise.  The Board shall then determine whether such modifications are minor or major in nature and shall subsequently schedule a public meeting or hearing, respectively, to review the proposed changes; and
4. The applicant shall submit draft language for the ‘Proposed Turnaround Easement’ to the Office of Planning and Development for review.  This language shall include provisions regarding maintenance by the owner of proposed Lot 1 to ensure that the paved turnaround area is kept free and clear of snow and other debris at all times and that there shall be no plantings or fencing in the designated paved turnaround easement area.